

CHERYL PERICH  
July 3, 2008

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1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF MICHIGAN  
3 SOUTHERN DIVISION  
4  
5 EQUAL EMPLOYMENT OPPORTUNITY  
6 COMMISSION,  
7 Plaintiff,  
8 vs. Case No. 2:07-cv-14124  
9 Hon. Patrick J. Duggan  
10 HOSANNA TABOR EVANGELICAL LUTHERAN  
11 CHURCH AND SCHOOL,  
12 Defendant.  
13 and  
14 CHERYL PERICH,  
15 Plaintiff/Intervenor,  
16 vs.  
17 HOSANNA TABOR EVANGELICAL LUTHERAN  
18 CHURCH AND SCHOOL,  
19 Defendant.  
20  
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25

**ORIGINAL**

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1 The Deposition of CHERYL PERICH,  
2 Taken at 31780 Telegraph Road, Suite 200,  
3 Bingham Farms, Michigan,  
4 Commencing at 9:07 a.m.,  
5 Thursday, July 3, 2008,  
6 Before Cheri L. Gleyre, RPR, CSR-6548.  
7  
8  
9 APPEARANCES:  
10  
11 OMAR WEAVER  
12 Equal Employment Opportunity Commission  
13 477 Michigan Avenue  
14 Suite 865  
15 Detroit, Michigan 48226  
16 (313) 226-3407  
17 Appearing on behalf of the Plaintiff.  
18  
19 DEANO CARLOS WARE  
20 Deano C. Ware, P.C.  
21 24801 Five Mile Road  
22 Suite 16  
23 Redford, Michigan 48239  
24 (313) 541-8433  
25 Appearing on behalf of the Defendant.

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1 JAMES E. ROACH  
2 Vercruysse, Murray & Calzone, P.C.  
3 31780 Telegraph Road  
4 Suite 200  
5 Bingham Farms, Michigan 48025  
6 (248) 540-8019  
7 Appearing on behalf of the Plaintiff/Intervenor.  
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1 Bingham Farms, Michigan  
2 Thursday, July 3, 2008  
3 9:07 a.m.  
4  
5 CHERYL PERICH,  
6 was thereupon called as a witness herein, and after  
7 having first been duly sworn to testify to the truth,  
8 the whole truth and nothing but the truth, was  
9 examined and testified as follows:  
10 MR. WARE: Hi. Good morning, Cheryl.  
11 THE WITNESS: Good morning.  
12 MR. WARE: I'm going to abbreviate the  
13 preamble that Mr. Weaver and most attorneys normally  
14 give before a deposition because I know you've sat  
15 through the majority of the depositions, but first of  
16 all, have you ever had your deposition taken?  
17 THE WITNESS: No, I have not.  
18 MR. WARE: Well, first of all, we'll just  
19 ask if I ask a question that if you can answer, if it  
20 calls for a yes or no answer, say either yes or no and  
21 not uh-huh or uh-uh, and that's just to help the court  
22 reporter. In addition, if I'm talking and you're  
23 trying to answer a question, just kind of either wait  
24 until I finish, and the same thing with you, if you're  
25 trying to finish up something just kind of let me know

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1 if I -- you know, I tend to kind of cut you off if you  
2 want to finish it because she can't pick us up if  
3 we're both talking at the same time.  
4 In addition, if you don't know the answer to  
5 a question, simply say you don't know. If you don't  
6 remember something, simply say you don't remember  
7 because the purpose of this is not to trick you up  
8 with anything, so -- by the same token if you're  
9 guessing or if you think, then you can qualify your  
10 answer with well, I guess or I think or in a manner  
11 like that, just a kind of qualification like that.  
12 And other than that, if you need something, like some  
13 water or you want to take a break or something, let me  
14 know, okay?  
15 THE WITNESS: Okay.  
16 MR. WARE: And then, you know, if you can't  
17 hear me, let me know or if you can't understand a  
18 question, let me know. If you answer a question I'm  
19 going to assume you understood the question, okay?  
20 THE WITNESS: Okay.  
21 EXAMINATION  
22 BY MR. WARE:  
23 Q. First of all, state your name for the record and spell  
24 your last name for the court reporter?  
25 A. Cheryl Perich, P-E-R-I-C-H.

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1 Q. And, Ms. Perich, how old are you?  
2 A. 53.  
3 Q. Where do you currently reside?  
4 A. 3306 Edgeworth, E-D-G-E-W-O-R-T-H, Ferndale, Michigan  
5 48220-3422.  
6 Q. How long have you resided in Ferndale, Michigan?  
7 A. Let's see, just an approximation in years.  
8 Q. Are you trying to count back to your childhood because  
9 I can change the question to as an adult?  
10 A. No, I'm counting back to when my oldest son was in  
11 ninth grade back from the time he graduated, so I'm  
12 just thinking about it that way, so I was thinking it  
13 was '99.  
14 MR. ROACH: You can just provide a range,  
15 Cheryl. You don't have to be specific if you don't  
16 know the exact year.  
17 BY MR. WARE:  
18 Q. You don't remember?  
19 A. I really -- I don't remember.  
20 Q. That fine. That's an answer.  
21 A. I'm trying to remember that it was -- it was the same  
22 year I started -- it was the same year that I started  
23 teaching at Calvary and I think that you probably have  
24 those records. Okay. Sierra graduated in 2001, so  
25 that would be -- that would be 2000 -- oh, that's

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1 right because I was counting the youngest, so that was  
2 2001, so fall would be 2000. Oh, that's why, I was  
3 counting the wrong child, so graduated in 2001, so  
4 it's 2000, so that's '99, '98, '97. Yep, it was the  
5 fall of '97 when I moved there. I was there as a  
6 child, but when I moved back there was like August of  
7 '97.  
8 Q. So approximately 11 years? This is 2008.  
9 A. Uh-huh.  
10 MR. WEAVER: You have to say yes.  
11 A. Yes.  
12 BY MR. WARE:  
13 Q. I can't remember what that question was. Okay. And  
14 what's the highest level of education that you've  
15 obtained?  
16 A. Bachelor's plus more than -- I can't remember exactly  
17 how many graduate classes, but I know it was more than  
18 30 semester hours of graduate-level classes.  
19 Q. And would that be toward a master's, graduate classes?  
20 A. No, because it wasn't spread -- you have to get  
21 graduate level -- in order to do a master's your  
22 classes have to be within five years, and mine were  
23 spread out within different years toward different  
24 things. The first classes I took were to keep my  
25 certificate good, and then my next classes I took

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1 because I was thinking about becoming a reading  
2 specialist, so I took a lot of reading classes.  
3 And then I found out that there really  
4 weren't that many jobs for reading specialists and  
5 there were seemed to be a lot of jobs for early  
6 childhood at that time, so then I started taking  
7 classes toward my early-childhood endorsement, so then  
8 I took the classes and got my early-childhood  
9 endorsement.  
10 So the classes were spread out over a number  
11 of years and they were in different areas --  
12 Q. Okay.  
13 A. -- so it really didn't all gel together to be able to  
14 get a master's, although I probably have either enough  
15 credits or almost enough credits to get a master's,  
16 but it was within various different areas and not all  
17 together, you know, not within the five years.  
18 Q. That's good. Your B.A., what is that in?  
19 A. Elementary education with a major in language arts and  
20 a minor in social studies.  
21 Q. Okay. Do you have a teaching certificate?  
22 A. Yes, I do.  
23 Q. And is that through the State of Michigan?  
24 A. Yes, I have a -- a K-8 teaching certificate through  
25 the State of Michigan and I also have the

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1 early-childhood endorsement on that, have the  
2 endorsement for the language arts and social studies  
3 and then I have the -- which -- and then I have the  
4 early-childhood endorsement, which -- and then on  
5 that, and I also have a teaching certificate, a  
6 lifetime teaching certificate in the state of Texas  
7 for 1st through 6th.  
8 Q. You said a lifetime teaching certificate from the  
9 State of Texas?  
10 A. Right.  
11 Q. Have you ever resided in the state of Texas?  
12 A. Yes, I did.  
13 Q. About how long ago was that?  
14 A. Oh, that was a long time ago. That was back in --  
15 let's see, I moved down there in 1978 and stayed there  
16 a little over a year. I didn't realize it, but the  
17 part of Texas that I -- I mean, Texas is a big state.  
18 Some parts of the state are wonderful for allergies  
19 and other parts are horrible for allergies, and the  
20 part I moved to was the part that was the worst for  
21 allergies.  
22 And so I developed asthma while I was down  
23 there, and I really had a rough time while I was down  
24 there, and they tried to treat a lot of problems I had  
25 there. And finally the allergy doctor said the only

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1 thing he could suggest I do was move back to Michigan.  
2 Q. So you moved back to Michigan in 1979?  
3 A. Actually I think it was -- I don't remember if it  
4 was -- I think it was toward the end of '78 actually.  
5 I not only had asthma, but I actually lost my voice  
6 and they couldn't figure --  
7 MR. ROACH: Ms. Perich, just respond to the  
8 questions. Respond to the questions.  
9 BY MR. WARE:  
10 Q. You moved back to Michigan, was it around --  
11 A. I don't know. It was either toward the end of '78 or  
12 '79, I don't remember which.  
13 Q. So between the year 1978 and '79, is that when you  
14 received your lifetime teaching certificate in Texas?  
15 A. I received my lifetime teaching certificate the -- I  
16 had a provisional teaching certificate, Texas  
17 certificate, when I went down there that lasted for  
18 one year, and then I took a Texas history class  
19 that -- the following summer. After I completed that,  
20 that's when I got my lifetime Texas teaching  
21 certificate.  
22 Q. So were you down there a year or a year and a half?  
23 A. Approximately a year and a half.  
24 Q. Okay. So you got the lifetime teaching certificate  
25 right before you left?

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1 A. Well, a little while before I left, yeah. It was the  
2 summer prior to the time I ended up having to leave  
3 because of the health problems that -- with the area  
4 that I was living in.  
5 Q. Do you have any other education or professional  
6 training besides the B.A., the 30 hours of graduate  
7 classes and your two teaching certificates with  
8 endorsements?  
9 A. No.  
10 Q. And where were you first employed coming out of  
11 college, let's start there?  
12 A. When I first graduated from college I couldn't find a  
13 teaching position, so I was -- I just substitute  
14 taught.  
15 Q. Well, let me clarify. You graduated from -- your  
16 B.A., was that at Concordia?  
17 A. No, that was -- I wanted to go to Concordia but I  
18 couldn't afford it, so I ended up -- so I went to OCC  
19 for two years, that was the most affordable, and then  
20 I went to Michigan State the next two years.  
21 Q. So you got a B.A. from MSU?  
22 A. Yes.  
23 Q. I'm an MSU graduate. Okay. So coming out of MSU  
24 where did you get your first employment?  
25 A. I subbed in -- I was -- I tried to find employment and

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1 there wasn't employment to be found, so I was subbing  
2 for a year.  
3 Q. Well, I mean substitute, whatever, I include that, so  
4 where did you sub at?  
5 A. I subbed at, let's see, Hazel Park, Fitzgerald,  
6 Madison --  
7 Q. Okay. If it's just a school I just need the city, I  
8 don't need the actual school.  
9 A. Those are the names of the public school districts.  
10 Q. Oh, okay. Hazel Park. What was the other district,  
11 you said Fitzgerald?  
12 A. Hazel Park, Fitzgerald School District, Madison School  
13 District, Lamphere School District.  
14 Q. And what year would this have been?  
15 A. That would have been from 1977 to '78.  
16 Q. Okay. And then you went to Texas, right?  
17 A. Yes, I got tired of subbing.  
18 Q. Did you work in Texas?  
19 A. Yes, I did.  
20 Q. And what school district would that have been for?  
21 A. That was for the Huffman Independent School District.  
22 Q. And would that have been from 1978 to '79 or so?  
23 A. Yes, I believe so. I'm not sure.  
24 Q. Okay. And then you came back from Texas to Michigan  
25 or did you go somewhere else?

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1 A. Yes, I came back to Michigan.  
2 Q. Okay. And where were you first employed when you  
3 returned?  
4 A. I started subbing for the same school districts while  
5 I was looking and -- while I was looking for work.  
6 Q. So how long would that have been, what period of time,  
7 from 1980, I'm assuming, or 1979?  
8 A. Well, let's see, I was subbing and then when we were  
9 in this area --  
10 Q. I mean, I don't need the exact dates if you can just  
11 give me the years or range of years and we can kind of  
12 keep moving?  
13 A. It's hard to think way back then. That's a long time  
14 ago.  
15 Q. I know, I'm just trying to get some ranges so we can  
16 get to 2000 I believe when you started with  
17 Hosanna-Tabor.  
18 A. Well, I subbed for a while and then I taught Head  
19 Start in the Lansing area, but I don't remember  
20 exactly what year I started there. I subbed for a  
21 while here, then my husband got transferred -- well,  
22 actually got -- he got a new job in Lansing. His  
23 position was -- at his job was going to be -- well,  
24 anyway, he got a new job in the Lansing area, so we  
25 moved there and I got a position with teaching Head

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1 Start there.  
2 Q. Okay. So do you remember where you were employed just  
3 prior to being hired at Hosanna-Tabor on a contract  
4 basis?  
5 A. Yes.  
6 Q. Where was that?  
7 A. Calvary Lutheran School.  
8 Q. And how long had you been at Calvary Lutheran?  
9 A. Two years.  
10 Q. So that would have been 1998 to about 2000?  
11 A. Whatever is two years prior to me coming there. It's  
12 hard to -- without looking at a calendar it's kind of  
13 hard to remember the exact dates.  
14 Q. I don't know if I have any of that, but was Calvary  
15 Lutheran the first Lutheran school you were employed  
16 at?  
17 A. No, it wasn't.  
18 Q. Where were you at before Calvary Lutheran?  
19 A. Emmanuel Lutheran School in Macomb.  
20 Q. And that -- how many years were you there?  
21 A. I was there for four years.  
22 Q. And was that the first --  
23 A. Yes.  
24 Q. Okay. So you started with the Lutheran schools around  
25 1994 at Emmanuel, then in 1998 you went to Calvary and

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1 in 2000 you started with Hosanna-Tabor, does that  
2 sound about right?  
3 A. I think I started earlier than that. I'm missing some  
4 years. I think it was probably around '92 when I  
5 started. I think I left -- if I remember I think it  
6 was around either -- I thought it was '92 or '93. I  
7 was thinking it was '96 when I left Emmanuel. It  
8 might have been '97, but I know I was there for four  
9 years.  
10 Q. But Emmanuel Lutheran was the first Lutheran school  
11 you were employed with, right?  
12 A. Yes.  
13 Q. You mentioned your husband, are you married?  
14 A. No, I was married previously.  
15 Q. Okay. Are you --  
16 A. He's now deceased.  
17 Q. So you're a widower?  
18 A. Yes.  
19 Q. Do you have any children?  
20 A. Actually if I was male I would be a widower. I'm a  
21 widow.  
22 Q. I knew that was wrong when it came out. Do you have  
23 any children?  
24 A. Yes, I do.  
25 Q. How many?

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1 A. I have two.  
2 Q. What are their ages?  
3 A. 22 and 25.  
4 Q. Boys, girls?  
5 A. Boys.  
6 Q. The 22-year-old, what's his name?  
7 A. John.  
8 Q. And the 25-year-old?  
9 A. Eric.  
10 Q. Do you remember the date you were first employed with  
11 Hosanna-Tabor Lutheran School? If not, I can show you  
12 an I9 to refresh your recollection. I don't know if  
13 that's the first one in the employment file. Does  
14 that refresh your memory?  
15 A. Okay. Yes, that would have been the year, August of  
16 '99.  
17 Q. Okay. So you first began employment with  
18 Hosanna-Tabor Lutheran School in August of 1999?  
19 A. Uh-huh.  
20 Q. I just want to back up on one area if I didn't ask  
21 you. What grades did you teach at Emmanuel Lutheran?  
22 A. I taught three-year-old preschool two days a week and  
23 on the other days I was substituting.  
24 Q. So that was just general coverage, just other general  
25 classes?

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1 A. All of the -- any class.  
2 Q. Okay. Was that for the whole four years you did  
3 preschool and substituting?  
4 A. Uh-huh.  
5 Q. And then at Calvary what grades did you teach?  
6 A. Well, the first year I was teaching three-years-olds,  
7 Tuesday and Thursday, morning and afternoon.  
8 Q. And would that be preschool again when you say  
9 three-year-olds?  
10 A. Three-year-old preschool, Tuesday and Thursday, a  
11 morning class and an afternoon class on Tuesday and  
12 Thursday, and then Monday, Wednesday and Friday a  
13 four-year-old class in the morning and a four-year-old  
14 class in the afternoon. The following year I was  
15 assigned to as a seventh and eighth-grade homeroom  
16 teacher in the morning and I taught seven and eighth  
17 grade science, and let's see, seventh and eighth-grade  
18 art, fifth and sixth-grade math, seventh-grade math.  
19 What else? It seems like there was something else.  
20 I think I'm forgetting something else, but  
21 it was a very full morning. I think -- I can't  
22 remember what else, but there was a lot of subjects  
23 that was between the seventh and eighth and then  
24 fifth and sixth. Oh, I also had taught fifth and  
25 sixth-grade science also besides that. And then we

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1 had -- and then we had -- and then in the afternoon I  
2 taught the three-year-old preschool two days a week  
3 and the four-year-old preschool three days a week, so  
4 I had a very, very, very short amount of time to eat  
5 my lunch and get over to where the preschoolers were  
6 about to arrive. It was a very crammed-full day.  
7 Q. At Emmanuel were you a contract or co-op teacher?  
8 A. I was a contract teacher and I was hired with the  
9 agreement that I would be taking college classes  
10 toward -- so that I could be working toward becoming a  
11 call teacher.  
12 Q. What are colloquy classes?  
13 A. Colloquy classes are classes that a person takes if  
14 they didn't go to a Lutheran college to be able to --  
15 the classes that you -- like religion type classes  
16 that you would have had if you had gone to a Lutheran  
17 college, although they -- in the colloquy I now  
18 understand that they have expanded so that colloquy  
19 people are now taking actually more classes than the  
20 people who actually go to the Lutheran college. I  
21 took eight -- I had to take eight classes and the  
22 other people that went to the Lutheran college took  
23 six.  
24 Q. Now, let me --  
25 A. And then once you take the colloquy classes you --

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1 you're --  
2 MR. ROACH: Mrs. Perich, please focus on the  
3 question. I think you answered it.  
4 BY MR. WARE:  
5 Q. I guess what I'm asking is are these religion classes,  
6 what you call colloquy classes, are they religious  
7 courses?  
8 A. Most of them are.  
9 Q. Are they doctrinal courses? Do you understand what I  
10 mean by doctrinal, I mean, is it something that  
11 indoctrinates you into the Lutheran --  
12 A. Well, I'm a lifetime Lutheran so I already don't -- so  
13 I don't -- didn't really need to be indoctrinated into  
14 what the Lutheran faith is, but the classes are  
15 just -- some of the classes are -- you know, there's  
16 an Old Testament class, a New Testament class and  
17 various different classes that give you a deeper  
18 understanding of -- I don't remember all the different  
19 classes, but there's different classes that --  
20 Q. Would it be fair to characterize those as religious  
21 classes or Bible classes?  
22 A. Most of them are religious type classes, yes.  
23 Q. Other than the religious classes what other types of  
24 classes did the colloquy process help --  
25 A. I don't remember, but I think there was a couple

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1 classes that were not strictly a religious type class  
2 but they were like -- but they were -- but they  
3 were -- but they were added to the colloquy program  
4 and they were -- they were supposed to be helping  
5 people get ready to teach in a Lutheran school.  
6 Q. Okay. But you don't remember the specific classes?  
7 A. I don't really remember the specifics. It's been a  
8 while since I took them.  
9 Q. So let's back up. Now, you said at Emmanuel you were  
10 a contract teacher with an agreement to take the  
11 colloquy. Did you actually start your colloquy  
12 process there?  
13 A. Yes, I did.  
14 Q. And that would have been in -- what year would that  
15 have been that you started the colloquy process?  
16 A. As I said before, I don't really remember what year I  
17 went there.  
18 Q. Had you completed it by the time you got to Calvary  
19 Lutheran?  
20 A. No, I had one more class to take when I went to  
21 Calvary.  
22 Q. How long does the process run, how many years did it  
23 take?  
24 A. Well --  
25 Q. What I'm trying to see, so if you went to Calvary in

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1 1998 and you said you had one more class, so had you  
2 been in it a year, two years by the time you got to  
3 Calvary?  
4 A. There was -- I was at Calvary -- I was at Emmanuel for  
5 four years. I took my first class the first year I  
6 was there. There was one year I couldn't take any  
7 classes because I couldn't afford it. They did pay  
8 half, Emmanuel paid half after -- you had to pay the  
9 full amount to begin with, but after you --  
10 Q. That's fine. I don't --  
11 A. But they'd reimburse you for half, but I couldn't  
12 afford it for one of the years, but I did complete  
13 seven out of the eight in those four years. Calvary  
14 didn't pay anything, but I was able to pay -- I was  
15 able to complete the other one while I was at Calvary.  
16 Q. So that's what I'm trying to get. So from a period of  
17 1994 to 1998, because you completed it -- well, did  
18 you complete it at Calvary?  
19 A. If we just saw that I came to Hosanna-Tabor in '99,  
20 then it couldn't -- then it couldn't have been from  
21 '94 to -- then those other dates aren't right.  
22 Q. Okay. So you said you were at Calvary Lutheran for  
23 two years?  
24 A. Because I was at Calvary for two years and I was at  
25 Emmanuel for four years prior to that.

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1 Q. Okay. So you would have been at Calvary from '97 to  
2 '99?  
3 A. Let's see, '99/'98 school year and '98/'97 school  
4 year, so I would have gone there in -- started the  
5 beginning of the '97 school year.  
6 Q. So if we take four years off of '97, that would have  
7 been '93 that you started at Emmanuel. '93 to '97,  
8 does that sound right?  
9 A. Is that the beginning of the -- did we have me  
10 beginning in '97?  
11 Q. I don't know. The school year is broken up. I'm just  
12 trying to get a range, so a four-year range from '93  
13 to '97 is Emmanuel Lutheran, '97/'99 is Calvary  
14 Lutheran, and as you indicated we saw in August of '99  
15 you were starting at Hosanna-Tabor?  
16 A. That sounds like it might be approximately correct.  
17 I'm not sure if that's the exact -- because it would  
18 be the four years and two years.  
19 Q. Okay. And so from 1993 through '97 you were  
20 completing your colloquy process, just taking classes  
21 when you could?  
22 A. If that -- yes.  
23 Q. Okay. So you started that almost as soon as you  
24 started your employment with Emmanuel?  
25 A. Yes.

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1 Q. Okay. Now, did they ever give you a call at Emmanuel?  
2 A. I didn't have my col -- I didn't have my -- I wasn't  
3 eligible for a call yet at the time I needed to look  
4 for full-time employment.  
5 Q. Okay. When you were at Calvary was that a contract or  
6 call position?  
7 A. It was a contract position.  
8 Q. And did that have the same stipulation, that you would  
9 complete your colloquy for the call, I mean, if it was  
10 ever brought up?  
11 A. I don't remember.  
12 Q. Okay.  
13 A. I do remember that I told them that I was working on  
14 it, so they might not have stipulated that because  
15 they already knew I was working on it or they may have  
16 said something about it. I really don't remember.  
17 Q. Did you ever receive a call at Calvary?  
18 A. I had not -- I was not eligible for a call yet at the  
19 time.  
20 Q. You were there two years?  
21 A. Yes.  
22 Q. Did you complete your colloquy in '97, that would have  
23 been sometime during your first year there?  
24 A. I didn't complete my colloquy requirements until the  
25 summer after -- the summer after I left there.

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1 Q. The summer after you left Calvary?  
2 A. Right.  
3 Q. Okay. So that would have put you into the summer of  
4 '99 when you completed your colloquy process?  
5 A. Yes.  
6 Q. Okay. So you were working on your colloquy from 1993  
7 to 1999?  
8 A. Right.  
9 Q. Six years. How did you find out about the position at  
10 Hosanna-Tabor in 1999?  
11 A. Nancy Faith was a teacher in the room next door to my  
12 room at Calvary and Nancy Faith was -- not was, is  
13 Scott Faith's mother, and Scott Faith was the  
14 principal at Hosanna-Tabor at the time. So Nancy  
15 Faith happened to know that there was a position  
16 available at Hosanna-Tabor and she let me know about  
17 it.  
18 Q. Was there any announcement in the district's  
19 publications?  
20 A. I really don't remember.  
21 Q. What was the first thing you did to apply for the  
22 position?  
23 A. I called Scott Faith.  
24 Q. And then what happened?  
25 A. Then he set up an interview with -- I'm not sure if it

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1 was the school board or a call committee, but there  
2 was a whole lot of people in the room. He didn't say  
3 who all it was, so I'm not sure, you know, the call  
4 committee or school board or a combination of both,  
5 but there was a lot of people, very full room.  
6 Q. So you did attend -- you had an interview, right?  
7 A. Yes.  
8 Q. Okay. And what happened after the interview?  
9 A. Nothing for a while.  
10 Q. When something did happen what happened?  
11 A. I called Scott several times and he said they were  
12 going to get a new pastor, and it's always practice  
13 that if the new pastor's wife is a teacher that the  
14 teacher gets the position before anyone else, so he  
15 had to wait to see if the new pastor's wife was a  
16 teacher.  
17 Q. Was that going to be Pastor Eggers, if you know?  
18 A. They didn't know at that point.  
19 Q. I mean, is that who they wound up getting?  
20 A. They did end up getting Pastor Eggers, but at that  
21 point they didn't know who they were going to get.  
22 Q. Okay.  
23 A. And they didn't get Pastor Eggers until the fall of  
24 the year, but he thought they were going to get  
25 someone sooner and if he didn't know if that pastor

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1 would have a wife that was a teacher or not, so he  
2 couldn't move on that yet.  
3 Q. So how did you ultimately get offered the position --  
4 I mean, you said you kept calling Scott, so did Scott  
5 tell you come on in, we can hire you now?  
6 A. Yes.  
7 Q. And Scott Faith, that was the principal, right?  
8 A. Yes.  
9 Q. Did you get any kind of letter or anything from the  
10 school prior to Scott telling you you got the  
11 position, like a letter from a board or the call  
12 committee?  
13 A. No.  
14 Q. Okay. And this was a contract position --  
15 A. Yes.  
16 Q. -- at first?  
17 So when you got hired at Hosanna-Tabor you  
18 didn't go through the district at all?  
19 A. No, because I personally knew someone that knew about  
20 a position.  
21 Q. And when you got offered the contract or the position  
22 did they specify what grade you were being hired for?  
23 A. Yes, it did specify that I was being hired as a  
24 kindergarten teacher.  
25 Q. Any other grades or work?

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1 A. The other work was -- I forget the exact wording, but  
2 it was to work with missions.  
3 Q. You said what?  
4 A. Missions. I can't remember the exact wording of it,  
5 but I was to promote the missions and the offerings  
6 for missions and things like that.  
7 Q. Okay. So when you began employment in August of '99  
8 what grades were you teaching?  
9 A. Kindergarten.  
10 Q. Anything else?  
11 A. No, that was in my contract that I was contracted  
12 for -- as a kindergarten teacher.  
13 Q. Did you have any other assignments besides teaching  
14 the kindergarten class?  
15 A. I had the -- working as the mission -- the missions --  
16 I can't think of the name they called it, but the  
17 missions -- saying what missions we're going to -- the  
18 offering were going to go to for the chapel offerings  
19 each month and promoting those with the children  
20 and --  
21 Q. Okay. Let me specify though. Were you responsible  
22 for like an art class, a gym class, spelling bee team  
23 or anything during this first year in 1999?  
24 A. I wasn't responsible for spelling bee team that year.  
25 I taught art to my kindergartens, I taught gym to my

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1 kindergarteners.  
2 Q. So that was included in your description as the  
3 kindergarten teacher?  
4 A. Yes.  
5 Q. You gave them art instruction and gym instruction as  
6 well?  
7 A. Right.  
8 Q. You returned in the year of 2000 to Hosanna-Tabor?  
9 A. Yes, I did.  
10 Q. Okay. And in 2000 were you offered a contract or were  
11 you offered a call?  
12 A. I don't remember the exact year that I was offered the  
13 call.  
14 Q. Let's see if I have something. Well, let me show you  
15 this. You completed your colloquy between -- on  
16 February 29th of 2000?  
17 A. Okay. I was -- on February 29, 2000 I was --  
18 according to this letter I was now eligible to be  
19 considered for a call.  
20 Q. Okay. So that means you had completed your colloquy?  
21 A. I had previously completed my colloquy, but they had  
22 to publish my name in several periodicals and things  
23 like that first before they could say I was eligible.  
24 Q. Okay. So you had completed your colloquy but you  
25 still needed to be published or added to the district

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1 roster in February of 2000?

2 A. Right.

3 Q. Now, if you -- you started -- the school year starts

4 in August of '99, right? Is that correct, school year

5 for Hosanna-Tabor?

6 A. Right.

7 Q. So in February of 2000 that would have actually been

8 within the same school year of 1999, right?

9 A. Yes.

10 Q. And there was some previous testimony that around

11 February or March the school starts to look at its

12 budget for the next August, right?

13 MR. ROACH: Objection, foundation.

14 BY MR. WARE:

15 Q. If I tell you there was some previous testimony to

16 that effect -- did anybody contact you during that

17 time about letting you know whether you were going to

18 be getting a call or a contract or you had intentions

19 on coming back?

20 A. I don't remember if they contacted me about a call or

21 not. They always ask you if you have intentions for

22 coming back around that time, and I did tell them I

23 had intentions for coming back.

24 Q. So around this same time, around February 2000,

25 someone would have asked you if you had intentions on

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1 coming back?

2 A. Yes, and I did say yes.

3 Q. Okay. Did they ask whether or not that was as a

4 called or contract teacher?

5 A. I don't remember.

6 Q. Do you know if you had informed them at that time that

7 you had completed your colloquy?

8 A. I know that as soon as I completed it I did let them

9 know.

10 Q. So at the end of your -- go ahead, I'm sorry.

11 A. I was very excited that I completed it after those

12 long years of working on it, and both the pastors and

13 the -- the two pastors and the principal was very

14 excited for me also.

15 Q. Now, at the end of your first year do you remember

16 what position you were offered for the second year?

17 A. Yes, kindergarten teacher.

18 Q. Okay. And was that a call or --

19 A. As I said, I don't remember when they offered me the

20 call.

21 Q. Okay. I'm trying to get something with a date on it.

22 I've got your documents from your personnel file.

23 Some of this doesn't have dates. See if that

24 refreshes your memory.

25 A. There's the name of the -- I couldn't remember. I

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1 knew it was mission something. Mission coordinator

2 was my other duty.

3 Q. Did that refresh your memory as to whether you were

4 asked to come back as a contract or call teacher?

5 A. It just says August 15, 2000 general call information,

6 so it would have been as a call teacher that I came

7 back on August 15th of 2000 as -- and I was called to

8 serve specifically as a kindergarten teacher.

9 Q. Okay. And you testified earlier that you were very

10 excited about completing your colloquy, right?

11 A. Yes, I was.

12 Q. Because you had worked on it probably nine years to

13 complete that, right?

14 A. A number of years. It was quite a long time.

15 Q. And that was all toward receiving a call, right?

16 A. Yes.

17 Q. Okay. So when you were offered the call was that

18 something that you wanted, I mean, was it voluntary,

19 was that your whole objective was trying to get with a

20 school where you could receive a call?

21 A. Yes. My understanding was that all Lutheran schools

22 wanted you to be a call -- called teacher, and the

23 only reason why they had any contract teachers were

24 that sometimes they couldn't find enough called

25 teachers so they had to hire a contract teacher, but

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1 the only time they hired contract teachers was when

2 they couldn't find enough called teachers.

3 Q. Where did you get that understanding from?

4 A. Well, when I was in Lansing and there was a position

5 available they told me I was highly qualified, but

6 they couldn't hire me because I -- I wasn't

7 synodically trained, meaning I couldn't be called. I

8 didn't have -- I hadn't gone to a Lutheran school and

9 I didn't have the colloquy.

10 Emmanuel didn't usually hire people without

11 a colloquy or having gone to a Lutheran school, but

12 since I would agree to take the colloquy classes they

13 said they would do that as long as I'd agree to take

14 those. Calvary, all their other teachers were called

15 teachers except me, and they had been looking all

16 summer for somebody, and here it was August and they

17 needed someone badly and then they found me, so they

18 were thankful to have someone.

19 So it just -- with this experience it looked

20 to me that that was the way it was -- it worked is

21 that everybody wanted teachers to be called teachers,

22 and I really thought that that's what the synod wanted

23 and that's what the district wanted was they wanted

24 the Lutheran schools to have teachers that were called

25 teachers, teachers who had been synodically trained,

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1 either had gone to the Lutheran schools or have their  
2 colloquy and not have -- not have contract teachers,  
3 but if they couldn't find enough called teachers, then  
4 they could hire the contract teacher. That was my  
5 understanding.  
6 Q. Okay. So it was your understanding that the Lutheran  
7 schools in district wanted all of their teachers to be  
8 ministers?  
9 MR. ROACH: Objection.  
10 MR. WEAVER: Objection, mischaracterizes  
11 prior testimony.  
12 A. That really wasn't what I said.  
13 BY MR. WARE:  
14 Q. So you can say no, the answer would be no, that wasn't  
15 your understanding. Is that your answer?  
16 A. That is my answer.  
17 Q. Okay. So what was your understanding of what a call  
18 was?  
19 A. A call was placing you in a teaching position in a  
20 Lutheran school and saying that you have received  
21 training in the religious classes that you would have  
22 gotten if you had gone to a Lutheran college.  
23 Q. That's all a call was as far as you understood it was  
24 just something saying you got some religious classes;  
25 is that your answer? That's all your call meant to

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1 you was that you had took some religious classes?  
2 MR. ROACH: Was that a question or a  
3 statement?  
4 MR. WARE: It's a question.  
5 MR. ROACH: Maybe you can phrase it as a  
6 question.  
7 A. I believe I really already answered that.  
8 BY MR. WARE:  
9 Q. You said you -- you've been a Lutheran all your life,  
10 right?  
11 A. Yes.  
12 Q. Did you do catechism?  
13 A. Yes, I did.  
14 Q. Lutheran catechism?  
15 A. Yes, I did.  
16 Q. And those involve religious instruction, right?  
17 A. Yes, they did.  
18 Q. So then why would you have to accept a call because  
19 you had took some religious class?  
20 MR. ROACH: Objection, argumentative.  
21 BY MR. WARE:  
22 Q. If that was your understanding. Did you ever ask  
23 anybody, hey, I took all this stuff in catechism?  
24 MR. ROACH: Objection, relevance,  
25 argumentative.

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1 A. I've asked them if I had been a Lutheran all my life  
2 why do I need to take these classes, and they said  
3 because you didn't go to a Lutheran college and take  
4 the classes that you have there. What you had in  
5 catechism was a low -- was not as -- it was not as  
6 in-depth as what was the -- as what we teach in a  
7 religion class when you go to college, so you're going  
8 to get a much deeper understanding of the faith when  
9 you take these classes.  
10 BY MR. WARE:  
11 Q. And that was it, that's all they told you was the  
12 distinction?  
13 MR. ROACH: Objection, argumentative, lack  
14 of foundation. Who is who, what, they?  
15 BY MR. WARE:  
16 Q. That was it, that was all that person told you was the  
17 distinction?  
18 MR. ROACH: Who?  
19 A. Does this have anything to do with this case?  
20 BY MR. WARE:  
21 Q. Okay. I get to ask the questions at the deposition --  
22 MR. ROACH: Well, then I'm going to object.  
23 BY MR. WARE:  
24 Q. -- not you.  
25 MR. ROACH: Counsel, Counsel --

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1 MR. WARE: Jim, write down the questions you  
2 want to go back over when you have cause.  
3 MR. ROACH: I will object and say --  
4 MR. WARE: Don't ask any questions --  
5 MR. ROACH: I am sorry, Mr. Counsel --  
6 MR. WARE: No, no, you're not --  
7 MR. ROACH: -- I have the right to say --  
8 MR. WARE: -- going to cut me off.  
9 MR. ROACH: Well, then we're going to stop  
10 right now and call the judge.  
11 MR. WARE: No, we're not stopping nothing.  
12 Oh, well, you can call the judge for sure.  
13 MR. ROACH: I will call the judge.  
14 MR. WARE: Go call the judge. Go call the  
15 judge right now because I'm sick of this. Call the  
16 judge, the magistrate, stop the recording.  
17 MR. ROACH: No, you're not stopping.  
18 MR. WEAVER: We're staying on the record.  
19 MR. WARE: Okay. Call the judge or the  
20 magistrate right now and they can listen to this and  
21 what you're doing. None of my questions are improper.  
22 I'm not going to stop, and you're going to stop  
23 interrupting me, so you can call the judge. Do it  
24 right now, call the judge, please. We can drive down  
25 to the court and finish the dep. Ask the judge if we

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1 can come to the court and finish this deposition.  
2 MR. ROACH: Are you done?  
3 MR. WARE: No. Call the judge, don't  
4 threaten me. Get your phone and get the judge on the  
5 intercom. I'm sick of you two. Get the judge on the  
6 intercom. You all have done this at every single  
7 deposition. You've cut me off, you've interrupted me,  
8 you've tried to interpose evidentiary issues like  
9 you're some Court at a deposition where you know I can  
10 ask not only relevant questions but questions that may  
11 lead to relevant answers. So get the judge on the  
12 phone or stop interrupting me and threatening me with  
13 the judge and sanctions and other stuff.  
14 MR. ROACH: Are you done? Keep going.  
15 MR. WARE: Make a note that Ms. Perich is  
16 leaving the deposition room without having been  
17 excused.  
18 THE WITNESS: Please make a note --  
19 MR. ROACH: No, no. He has not instructed  
20 you to do anything.  
21 Are you done?  
22 MR. WARE: This is my noticed deposition.  
23 I'm going to conduct this deposition --  
24 THE WITNESS: I can't listen to his yelling  
25 anymore, I just can't.

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1 MR. ROACH: Are you done?  
2 (Whereupon the Witness left the deposition  
3 room at 10:03 a.m.)  
4 MR. WARE: Make a note that Ms. Perich has  
5 left the deposition room without being excused --  
6 MR. ROACH: Keep going.  
7 MR. WARE: -- and that her counsel has not  
8 asked her to come back.  
9 MR. ROACH: Are you done or do you want to  
10 keep going?  
11 MR. WARE: No. You can go ahead, but I'm  
12 not going to be getting interrupted by you.  
13 MR. ROACH: Let me know when you're done.  
14 MR. WARE: Speak.  
15 MR. ROACH: Thank you. Second, I -- or not  
16 second, first, I have the right -- and it's now my  
17 turn to talk, by the way. I have a right to object to  
18 anything. I can put my objections on the record.  
19 Number two, I do not appreciate and the witness  
20 doesn't appreciate you yelling and pointing your  
21 finger at my face and in my face. I would object to  
22 the complete lack of respect and professionalism on  
23 your side. Now --  
24 MR. WARE: Are you done?  
25 MR. ROACH: -- can I object?

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1 MR. WARE: Are you done?  
2 MR. ROACH: I am done.  
3 MR. WARE: Okay. I will go on the record  
4 and object to the total incivility that you and  
5 Mr. Weaver have shown me throughout all of these  
6 depositions. You have always continually cut me off,  
7 both of you have double-teamed objection over the  
8 record. I have set through each and every one of your  
9 depositions. This is my first, and I have not  
10 interrupted any of you during any of the questions  
11 you've asked where if you two have made it a pointed  
12 practice to cut me off in the middle of questions, to  
13 interrupt me, to tell witnesses not to answer my  
14 questions, to speak directly to witnesses in the  
15 middle of me questioning them, like you just did with  
16 Ms. Perich, and then to try to get me to rephrase my  
17 questions or to tell me what questions I should or  
18 should not ask or I can or cannot ask, total  
19 incivility.  
20 So I do apologize for being upset and for  
21 pointing my finger, but I'm not going to be  
22 intimidated during this process by the EEOC and by  
23 your large firm. I'm not going to let either one of  
24 you two intimidate me.  
25 MR. WEAVER: Okay. Now it's my turn to

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1 speak.  
2 MR. WARE: Go ahead, Omar.  
3 MR. WEAVER: Mr. Ware, I completely resent  
4 your representation of my conduct during this  
5 litigation. I have never been uncivil to any opposing  
6 counsel. I've never tried to intimidate any opposing  
7 counsel. You will be the first one to ever complain  
8 about my conduct, if you do that.  
9 Secondly, I've said this to you before, I've  
10 said this to you yesterday when I tried to impose an  
11 objection during Mr. Salo's deposition. You keep  
12 comparing what we do to what you do, and I've said to  
13 you it is your prerogative to object if you see fit.  
14 I always try to make a good judgment call  
15 when I, you know, make an objection before a witness  
16 answers. It is not to cut you off, it is simply to  
17 place my objection before the witness answers. I  
18 think I've made one objection so far this morning and  
19 I don't think there was anything wrong with it, and I  
20 completely agree with the recent objections that  
21 Mr. Roach made with respect to the line of questioning  
22 you just gave Ms. Perich. In my opinion some of them  
23 are argumentative and they do lack foundation and they  
24 do assume facts not in evidence. Those objections are  
25 going to be made. We're not trying to interrupt your

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1 examination, but we must protect our interests on the  
2 record.

3 And I agree with Mr. Roach that you should  
4 probably tone it down a little bit because, as you can  
5 see, Cheryl can't handle that. It's not easy to see  
6 eye to eye when attorneys are sitting across the  
7 table, but I think we should make an effort to do that  
8 and get through this deposition because I can tell you  
9 right now, the judge will not be happy if we come to  
10 him because we can't finish a plaintiff's deposition,  
11 I mean, that's all I'm going to say.

12 And one more thing, I've never instructed a  
13 witness not to answer your questions while you were  
14 examining them because up to this point none of the  
15 witnesses have been our witness. We can only instruct  
16 Cheryl not to answer a question, and as we all know,  
17 that only -- that is only proper when you go into  
18 privileged information. You haven't done that yet, so  
19 I won't instruct her to do anything like that. So any  
20 implication on the record that I've tried to instruct  
21 the witness not to answer your questions, I will not  
22 only disagree with but I resent.

23 MR. WARE: All right. Well, Mr. Weaver,  
24 then I stand corrected. With Mr. Roach I know  
25 specifically instructed Bruce Braun and other

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1 witnesses not to answer my questions. With regards to  
2 Ms. Perich today I think both counsel can note I have  
3 had a measured voice. I have given her time, all the  
4 time she needed to answer questions. I've tried to be  
5 very slow and patient with Ms. Perich.

6 And up until when Mr. Roach started yelling  
7 and telling me what questions to ask and not ask, she  
8 seemed to be answering the question and never once  
9 indicated that she was upset. So to that extent, you  
10 know, I am not trying to upset the witness. I don't  
11 have any problem with somebody saying, Mr. Ware,  
12 you're upsetting her, can you talk slower, can you  
13 give her a chance to answer. That was not the type of  
14 interruption that Mr. Roach interposed. Instead he's  
15 trying to make clarifications that are more proper on  
16 his cross than during my direct.

17 If you want to clarify her answers to  
18 questions, you should clarify them with your own  
19 questions, not in the middle of me asking my questions  
20 simply because you don't want a certain answer to come  
21 out.

22 MR. WEAVER: I just want to make one point  
23 on that, and I know what you're talking about. You  
24 know, I will never try to tell another attorney how to  
25 practice law, but in my experience -- and I'll give

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1 you an example. Yesterday I asked Mr. Salo a question  
2 that just was very unclear and very vague. You made  
3 an objection, I listened to it, rephrased the question  
4 because I thought the objection was valid. Some of  
5 your questions were somewhat vague when you examined  
6 her about, well, isn't it true that they told you this  
7 and who told you that. Our point is who is they, I  
8 mean, you've got to lay a foundation to know exactly  
9 who you're identifying if you want to examine a  
10 witness about what she was told.

11 MR. WARE: The witness had used the word  
12 they, and that's why I kept repeating it, because  
13 rather than put something in her mouth, I repeated the  
14 phrase she used when she said they. I understood the  
15 objection, but I was trying to repeat what she had  
16 said, the they that she was referring to. It's not my  
17 place to put, you know, people and places into her  
18 mouth.

19 MR. ROACH: In response, I have no idea what  
20 you're talking about regarding me instructing  
21 Mr. Brawn not to answer a question. I don't believe I  
22 did, and I didn't. As far as my knowledge I didn't.  
23 It's not my witness. You were cross-examining that  
24 witness.

25 Number two, the problem that arose in this

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1 conference room is that when I attempted to object you  
2 talked over me and started yelling, and to me that's  
3 unacceptable if -- and to allow me to talk. Every  
4 time I tried to talk you started yelling again to keep  
5 me from saying anything. That is not acceptable,  
6 that's not the way to conduct a deposition, and if  
7 we're going to get this deposition done we have to  
8 behave professionally.

9 All right. Finally, I did object because  
10 you were asking a question, just like Mr. Weaver said,  
11 with saying what did they say, who did they, you know,  
12 referring to a who that was -- I had no idea what you  
13 were talking about, and if you were asking about what  
14 a specific person asked her or told her, that would be  
15 fine, but to refer to somebody who is undefined,  
16 that's a problem and I have a right to object.

17 And finally, even if my objections are  
18 wrong, and maybe our objections are later decided by a  
19 judge and maybe I lose on that argument, I still have  
20 the right to object, and you should be allowed and you  
21 need to allow me to object.

22 (Whereupon the Witness entered the  
23 deposition room at 10:11 a.m.)

24 THE WITNESS: I'm sorry I left. I probably  
25 should have asked for a break first.

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1 MR. ROACH: Don't worry about that. Don't  
2 worry about that.  
3 THE WITNESS: But after the extreme yelling  
4 I was in tears and I just needed to get away to be  
5 able to calm down.  
6 MR. WARE: Mr. Roach, do you want to take  
7 some time with your witness?  
8 MR. ROACH: Well, let's take a break for  
9 about ten minutes or so and give Ms. Perich time to  
10 recover from the onslaught.  
11 MR. WARE: Can you?  
12 (Recess taken at 10:12 a.m.)  
13 (Back on the record at 10:29 a.m.)  
14 BY MR. WARE:  
15 Q. Before I continue with my questioning, Ms. Perich, and  
16 I want to -- I'm going to do this -- I probably should  
17 have done it at the beginning of the deposition, but  
18 I'm going to do it now before I ask you any other  
19 questions. Are you taking any medication or are you  
20 suffering from any medical condition which might  
21 interfere with your ability to answer questions today?  
22 A. I'm -- the medicine will not interfere as long as I'm  
23 able to get -- to be able to take a lunch break at  
24 11:30 because I need to eat lunch at the time I take  
25 my medicine.

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1 Q. Are you suffering from any medical conditions that  
2 would affect your memory or recollection?  
3 A. No.  
4 Q. Are you suffering from any medical conditions that  
5 would affect your ability to speak truthfully or your  
6 veracity in answering questions?  
7 MR. ROACH: I'll object.  
8 BY MR. WARE:  
9 Q. Or that would affect your veracity in answering any  
10 questions?  
11 A. I don't know what the word veracity means.  
12 Q. Or the authenticity of the statements you're making.  
13 Is there any medication or medical condition that  
14 might affect any of that?  
15 A. I always speak truthfully.  
16 MR. WARE: Okay. Well, I'm going to make a  
17 note for the record that I've observed during this  
18 deposition several times Ms. Perich' hand shaking. I  
19 don't know if it's uncontrollably or involuntarily.  
20 I'm also going to note for the record that Ms. Perich  
21 abruptly left the room when me and Mr. Roach were  
22 arguing with each other, very upset and indicating  
23 that she had to leave, whether she was excused or not.  
24 And it also appears, and this is my personal  
25 opinion, that her counsel was trying to protect her

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1 with regards to certain questions because she may get  
2 upset or be unable to continue, and if that's the  
3 case, no one has advised me of any condition she has,  
4 no one has advised me of any medication she's taking  
5 that would affect her ability to answer questions,  
6 because if the witness is unable to answer questions,  
7 and the questions are going to get tougher, then I  
8 think the proper thing would be to file a motion with  
9 the Court to stay these proceedings either until we  
10 can get some doctor's approval that you are in a  
11 condition to answer these types of questions or --  
12 MR. ROACH: All right.  
13 MR. WARE: -- to get something indicating  
14 that you're not going to be unnecessarily upset or  
15 your health is not going to be at risk by proceeding.  
16 MR. ROACH: All right.  
17 THE WITNESS: Okay.  
18 MR. ROACH: No, no, you're not going to say  
19 anything.  
20 BY MR. WARE:  
21 Q. Let your counsel speak.  
22 MR. ROACH: You're not going to say  
23 anything.  
24 MR. WARE: I'm not finished yet. I'm not  
25 finished. You can make your record. I'm making a

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1 record.  
2 MR. ROACH: You can make --  
3 MR. WARE: I'm not finished. I told you  
4 before we started --  
5 MR. ROACH: Counsel, again you have to let  
6 me talk.  
7 MR. WARE: Not when I'm not finished making  
8 my record.  
9 MR. ROACH: It's my turn.  
10 MR. WARE: Because you say so? I just said  
11 I'm not finished.  
12 MR. ROACH: All right. Keep going.  
13 MR. WARE: At this point as the defendant's  
14 attorney I must make a record that I feel that -- I'm  
15 very concerned about jeopardizing Ms. Perich's health  
16 by the nature of the questions that have yet to be  
17 asked, and it is totally I believe inappropriate or  
18 improper for her counsel to interfere with or stop me  
19 from answering (sic) particular questions simply  
20 because the witness is quite going to get upset. And  
21 if that's the case, then I believe somebody -- and no  
22 one has told me at this point that she's unable to  
23 answer certain questions, that she gets upset very  
24 easily and that there's a health risk if we proceed  
25 with questions, because all I've done is ask questions

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1 and you have gotten physically, physically --  
2 MR. ROACH: Ignore him.  
3 MR. WARE: I've seen the witness' physical  
4 characteristics of either being upset, her arm has  
5 shaken at times uncontrollably. I don't know if she  
6 left the room to take medication, but she did leave  
7 the room without being excused.  
8 BY MR. WARE:  
9 Q. Did you take any medication when you left, Ms. Perich?  
10 MR. ROACH: I am instructing you not to  
11 answer until a question has been asked. Once the  
12 attorney is -- Mr. Ware's done making a statement on  
13 the record I will respond.  
14 Please let me know when you're done.  
15 MR. WARE: To conclude -- to conclude, I'm  
16 very concerned at this point about whether or not  
17 continuing with questioning Ms. Perich is going to  
18 jeopardize her physical and emotional health.  
19 MR. ROACH: Thank you, Mr. Ware. If there  
20 are medical issues, the medical issues were created by  
21 your client's misconduct. You are not a doctor, you  
22 are not -- you do not have the education or  
23 credentials to make any medical judgment as to  
24 Ms. Perich. I find your comments insulting, I think  
25 they're degrading and I think they're intimidating,

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1 and I'm instructing Ms. Perich to completely ignore  
2 what you said because it is completely objectionable  
3 and you have no right to make those types of  
4 statements.  
5 If you have appropriate questions, please  
6 ask them. Do not attempt to insult or degrade or  
7 accuse Ms. Perich of anything.  
8 Finally, Ms. Perich left because you chose  
9 to yell at me and at her, all right? You --  
10 MR. WARE: I'm going to object, I never  
11 yelled at the witness.  
12 MR. ROACH: Am I allowed to finish?  
13 MR. WARE: We can read the transcript if  
14 you're going to put a lie on there because I never  
15 yelled at the witness.  
16 MR. ROACH: You're interrupting.  
17 MR. WARE: And I've already had it reread.  
18 I never yelled at the witness.  
19 MR. ROACH: I'm sorry. Can I finish?  
20 MR. WARE: Yeah, I did yell at you after you  
21 yelled at me when you cut me off. You can finish.  
22 MR. ROACH: No, that's not what happened.  
23 MR. WARE: We can read the transcript of who  
24 started yelling first.  
25 MR. ROACH: I objected when you started

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1 yelling at me trying to talk --  
2 MR. WARE: No, you objected when I kept --  
3 interrupting my line of questioning.  
4 MR. WEAVER: Are you going to let him -- he  
5 didn't interrupt you.  
6 MR. ROACH: I was very patient while you  
7 talked. My turn.  
8 MR. WARE: Okay.  
9 MR. ROACH: You chose to start a commotion  
10 by yelling at me and the witness, by yelling -- not  
11 only yelling at me but shaking your finger at me  
12 repeatedly. It upset Ms. Perich. It would upset a  
13 lot of people in the face of that type of misbehavior.  
14 I don't blame her a bit for stepping out of the  
15 conference room until you calmed down. Since then you  
16 have apparently calmed down and she is now ready to  
17 continue with this deposition. If you would like to  
18 continue the deposition, please do.  
19 MR. WEAVER: I just want to add to that that  
20 I concur with everything Mr. Roach has just said and I  
21 disagree with Mr. Ware's representation that there's a  
22 possible health issue of Ms. Perich today. In my eyes  
23 it's not a health issue, it's a conduct issue on the  
24 part of opposing counsel. Ms. Perich already  
25 testified that she was not on any medication that

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1 would impair her ability to testify today or any  
2 medication that would in any way affect her  
3 recollection.  
4 That being said, there's no need to stay the  
5 proceedings and I believe we should continue, assuming  
6 there won't be any other problems with conduct on the  
7 part of opposing counsel.  
8 MR. WARE: Okay. I'm going to just clarify  
9 the record that I don't have any problems with my  
10 conduct. My clients are entitled to a spirited and a  
11 vigorous defense and they're going to get it, whether  
12 opposing counsels object or like it or not. Now we  
13 can proceed.  
14 Can you recall the last question we asked  
15 before I was interrupted the first time by Mr. Roach?  
16 (The requested portion of the record was  
17 read by the reporter at 10:38 a.m.)  
18 MR. ROACH: Objection, misstates the  
19 testimony and is ambiguous.  
20 BY MR. WARE:  
21 Q. Ms. Perich, do you remember who told you what a  
22 call -- who first told you what a call was, who that  
23 person was?  
24 A. No, I don't.  
25 Q. Do you remember --

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1 A. I do remember that there was -- that I had talked  
2 about what one professor said when I asked him the  
3 question about why I would need to take the colloquy  
4 classes even though I had been a Lutheran all my life,  
5 and I explained that question.  
6 Q. Let me stop you there.  
7 A. I've thought about what another professor would have  
8 answered, told me.  
9 Q. I'm going to stop you there because what a professor  
10 told you, I'm assuming -- would that have been after  
11 you had started the courses, right?  
12 A. Yes.  
13 Q. Okay. So prior to you starting the courses when did  
14 you first learn of what a call was in the Lutheran  
15 church?  
16 A. After I was in the courses, all I knew was that you  
17 needed to -- in order to -- when I first graduated  
18 from MSU I thought it would be really great to teach  
19 in a Lutheran school, so I applied at some Lutheran  
20 schools and they told me I couldn't teach in their  
21 schools because I hadn't gone to a Lutheran college.  
22 And that's all they told me. I didn't know there was  
23 such a thing as a colloquy. I don't to this day know  
24 if there was such a thing back then or not, but no one  
25 told me if there was. Many years later, you know,

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1 about the colloquy program -- and I forgot what the  
2 question was.  
3 BY MR. WARE:  
4 Q. That's fine, you answered it. You said you were a  
5 lifetime Lutheran?  
6 A. Yes.  
7 Q. What Lutheran church did you attend growing up?  
8 A. Good Shepherd Lutheran Church.  
9 Q. Were you there as an adult as well?  
10 A. I was there as an adult until I moved to Texas.  
11 Q. So how old would you have been around then?  
12 A. 23.  
13 Q. Okay. Were you a member at Good Shepherd Lutheran?  
14 A. Yes -- or 23 years.  
15 Q. Did Good Shepherd Lutheran have a school?  
16 A. No.  
17 Q. During your time in colloquy where you testified you  
18 first learned what a call was did the professor ever  
19 indicate to you that if you accepted a call you would  
20 be considered a commissioned minister in a Lutheran  
21 church?  
22 A. I don't remember.  
23 Q. Did there come a point during the colloquy process  
24 that you came to understand that if you accepted a  
25 call you'd be considered a commissioned minister?

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1 A. Yes, I think there probably was, but that's much  
2 different than an ordained minister.  
3 Q. When did you learn that they would consider you a  
4 commissioned minister?  
5 A. I don't remember.  
6 Q. Was it before or after you completed the colloquy?  
7 A. I don't really remember.  
8 Q. Did you ever consider dropping out of the colloquy  
9 process because you were going to be considered a  
10 commissioned minister?  
11 A. No, because if they had -- if they had considered me  
12 an ordained minister I would have, but the -- not  
13 because of -- but the commissioned minister I -- they  
14 explained that to me to say that -- in a way to say  
15 that that was just --  
16 Q. Okay. Let me stop you there before an objection is  
17 interposed. Who is they?  
18 A. The people in the colloquy program, so I guess, yeah,  
19 it was -- I learned about it in the colloquy program,  
20 so the colloquy program was -- I think it was one of  
21 the professors in the colloquy program, if I remember  
22 right. I'm just guessing, I'm not sure, but I'm  
23 pretty sure. I think that's where I learned about it  
24 was in the colloquy program.  
25 And if they had said I would be an ordained

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1 minister I would have dropped out then because I don't  
2 believe that women should be an ordained minister.  
3 But they said that commissioned minister -- the reason  
4 they said teachers in Lutheran schools used to not be  
5 considered ministers at all, they were just -- they  
6 just could be a teacher as long as they had completed  
7 these religious courses, but the only reason they're  
8 considered commissioned ministers now is so that they  
9 can get a -- so that they could get a -- they could  
10 get a housing allowance.  
11 And of course the other -- the good side of  
12 it is you get the housing allowance, the bad side is  
13 you have to pay the self-employment tax, but they said  
14 it usually evens out and a lot of times it's to your  
15 benefit because you get the housing allowance, which  
16 is more beneficial than the self-employment tax.  
17 So they said they had tried to put that into  
18 place just to benefit the teachers and, you know,  
19 benefit them as far as their taxes because if they got  
20 their housing allowance, then that would mean they'd  
21 be paying tax on less money. They wouldn't be paying  
22 tax on the housing allowance, they would only be  
23 paying tax on the other amount that they -- the  
24 amount -- they'd take the amount that they made minus  
25 the amount that was considered the housing allowance

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1 and only pay tax on the other amount, so they said  
2 that was why that was put into place. Other than that  
3 it was the same as they -- they were previously, just  
4 regularly, you know, before they were considered  
5 teachers.  
6 Q. So did you ever get a housing allowance after you  
7 received your call?  
8 A. I got a small housing allowance, but it really wasn't  
9 beneficial to me. It really -- I paid more in the  
10 Social Security tax than the amount of housing  
11 allowance that I got.  
12 Q. You had to pay your own taxes?  
13 A. Yeah.  
14 Q. So at some point though during the colloquy process  
15 you understood you would be considered a commissioned  
16 minister? Let me rephrase that.  
17 Was it your understanding that you would be  
18 considered a commissioned minister after you completed  
19 the colloquy process or once you were called?  
20 A. I'm not sure at what point that takes place.  
21 Q. Let me show you a document entitled supplement to  
22 diploma of vocation. Is that a document that you've  
23 seen before?  
24 A. Yes.  
25 Q. Did you complete that or did somebody else complete

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1 it?  
2 A. Scott -- well, someone else completed it. Scott Faith  
3 presented it to me. I'm not sure if he completed it  
4 or someone from the board. I really don't know who  
5 completed it.  
6 Q. Do you remember whether or not that's something that  
7 would have been presented to you after you completed  
8 your colloquy process, meaning through Concordia, or  
9 would it have been presented to you after you had  
10 received a call, I mean, if you remember?  
11 A. I don't remember.  
12 Q. You do remember Scott Faith presenting it to you?  
13 A. I do remember him presenting it to me. I don't know  
14 if he's the one that prepared this or if someone else  
15 prepared it, but I remember him presenting it to me.  
16 Q. Do you remember receiving any other document because  
17 that document's titled supplement to diploma, so did  
18 you actually receive a diploma from Concordia?  
19 A. Yes.  
20 Q. And did the diploma have minister of religion on it?  
21 A. I'm not sure. I think -- I don't know if it had  
22 religion or if it had Lutheran teacher degree, I'm not  
23 sure.  
24 Q. That's fine. I was just going to see if that would  
25 refresh your memory. Is that the diploma you referred

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1 to earlier? I'm showing you a document entitled  
2 diploma of vocation. Have you ever seen that document  
3 before?  
4 A. Yes, but it's been a while.  
5 Q. Do you recall whether you received that after the  
6 colloquy process or when you received your call?  
7 A. I don't remember, but I'd have to look at this to see.  
8 I can't tell by looking at this. No, this was when I  
9 received the call. By looking at this I can tell it  
10 was when I received the call.  
11 Q. Okay. And that does state on there minister of  
12 religion commissioned, do you see that?  
13 A. Yes, commissioned.  
14 Q. And that was your understanding, that you would be a  
15 minister of religion commissioned?  
16 A. Commissioned, not ordained.  
17 Q. Okay. So in your second year with Hosanna-Tabor in  
18 August of 2000, by August of 2000 you had already  
19 completed your colloquy and you had -- do you remember  
20 when you were offered a call? I mean, if you have  
21 something that would refresh your memory --  
22 A. The paper was there that --  
23 MR. ROACH: Counsel, the date is right on  
24 that document you were looking at. Why press her for  
25 dates that are right there?

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1 BY MR. WARE:  
2 Q. Which one would you want to look at?  
3 A. It's been a while, so it's --  
4 Q. No, you can refresh your memory with whatever you want  
5 to look at.  
6 A. I remember I had completed my colloquy, I was eligible  
7 for a call, and then --  
8 Q. Okay. The question was, and I don't know if your  
9 counsel listened to the question --  
10 A. Excuse me, you told me to tell you -- at the beginning  
11 you told me to tell you if you interrupted, and I  
12 wasn't done.  
13 Q. Okay. I'm sorry.  
14 A. I remember that I was eligible for a call, and then  
15 when I was called, Scott Faith apologized for not  
16 calling me as soon as I was eligible for a call.  
17 Q. So you remember when it was offered? I know the  
18 document has a date of when you were called, meaning  
19 assuming there was already a vote by the congregation,  
20 but do you remember when you were first offered the  
21 call? And to help you out, you said your colloquy was  
22 completed in February. I think the document has a  
23 date of March 29th, so I'm assuming somewhere between  
24 February and March you would have been offered the  
25 call. Is that what you're indicating, or is that not

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1 the date?

2 A. No, March 29th is the date that I received the call

3 and -- actually he told me about the call after the

4 time that -- after this. He actually told me about me

5 having the call after the fact. It was later than

6 March when I actually knew I had the call --

7 Q. All right.

8 A. -- so I was eligible for it prior to this, and then I

9 actually had the call but I didn't know I had the

10 call.

11 He told me about it later and he apologized

12 for not calling me when I was eligible and then he

13 apologized again for not telling me I had the call

14 when I really did have the call because it was later

15 in the spring because he said, I've been really busy.

16 Q. So if I understand you, it's your testimony that you

17 were never offered the call, they just called you,

18 right, and then you were told that you had been called

19 by the congregation?

20 A. Right.

21 Q. Okay. And that would have been sometime after March

22 of 2000?

23 A. Because the practice is if you have a teacher that's

24 on your staff that is contract and they become

25 eligible for a call that the -- that they're supposed

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1 to call you immediately. That's district policy.

2 Q. And that happened in your case?

3 A. Well, not immediately, that's why he apologized twice.

4 He didn't -- they didn't call me immediately, and then

5 later on when they did call me he didn't tell me about

6 it until later.

7 Q. Do you know how much later it would have been after

8 March?

9 A. It was close to the end of the school year, so that's

10 why I got two apologies.

11 Q. Now, you're not aware of any other reason other than

12 his just negligence or whatever to inform you of the

13 call before the end of the school year?

14 A. He said he was real busy and just didn't get around to

15 it.

16 Q. So at the start of August of 2000 you were a called

17 teacher with Hosanna-Tabor?

18 MR. ROACH: Objection, asked and answered.

19 BY MR. WARE:

20 Q. Well, I think I asked if you were a teacher. I'm

21 asking now if you were a called teacher, right, in

22 August of 2000?

23 A. Well, they put on this that they called me as of

24 March 29th, but I already had a contract that was

25 through the end of that year, so --

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1 Q. Okay.

2 A. -- I don't know, I mean, I don't know if it was -- I

3 don't know if you start it with March 29th or you

4 start it with the following August, because they do

5 have on here March 29th of 2000 that I was called.

6 Q. Okay. I guess what I'm asking is at the start of that

7 school year, which I'm assuming was August, you

8 started the August 2000 school year as a called

9 teacher?

10 A. Yes --

11 Q. Okay.

12 A. -- because I was called.

13 Q. Do you remember what classes you were teaching again

14 for the August 2000 school year?

15 A. Yes, I was called specifically to be -- as a

16 kindergarten teacher. In my call document it was

17 listed as kindergarten teacher.

18 Q. Okay. I might have asked about that. And then in

19 August 2001 were you still with Hosanna-Tabor?

20 A. It's hard for me to keep all these dates in my mind

21 without looking at a calendar. I taught kindergarten

22 for five years straight through, okay?

23 Q. Okay. So I'm just starting with the next school year,

24 which would be August of 2001. You started -- is it

25 correct that you started back with Hosanna-Tabor that

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1 school year as a called teacher?

2 MR. ROACH: Objection, asked and answered.

3 BY MR. WARE:

4 Q. For 2001?

5 A. Am I allowed to write these things down so I can keep

6 track of years?

7 Q. I mean, if it will help you I don't have any objection

8 with you writing things down.

9 A. You know, am I here this year, this year? I know I

10 was there five years -- I know I taught kindergarten

11 five years. No, it was four years I taught

12 kindergarten.

13 Q. So we just completed August 2000?

14 A. Okay. Did we establish -- I started there in what

15 year?

16 Q. 1999, August of 1999.

17 A. Okay. '99 to 2000 kindergarten contract and then on

18 March 29th became a called teacher. Okay. So 2000 to

19 2001 I came back as a called teacher and was called

20 specifically as a kindergarten teacher.

21 Q. Okay. Then my present question is the August 2001

22 school year, you came back?

23 A. Yes, and I had been called as a kindergarten teacher,

24 so I was still a kindergarten teacher.

25 Q. And then August 2002?

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1 A. Yes, 2002 to 2003 kindergarten, had been called as a  
2 kindergarten teacher, so I was still a kindergarten  
3 teacher.  
4 MR. ROACH: You skipped one.  
5 THE WITNESS: Oh, that won't work if I skip  
6 a year.  
7 BY MR. WARE:  
8 Q. Okay. I'm going to kind of stop you there because I  
9 want to kind of pause that line of questioning. Now,  
10 in 2002, and if we started with August of 2002 that  
11 would go through June of 2003 for the school year, did  
12 you have any disciplinary problems at the school at  
13 Hosanna-Tabor?  
14 MR. ROACH: Objection, relevance.  
15 A. I don't remember what school year it was. A year  
16 was -- there was a write-up put in my employee file  
17 and I disagreed with the write-up. It was not  
18 correct.  
19 BY MR. WARE:  
20 Q. And what did the write-up concern?  
21 A. I don't remember specifically what I was accused of,  
22 but I can tell you what in actuality happened. A  
23 child who had been having discipline problems from the  
24 beginning of the year -- and I had been working with  
25 her and her parent to improve her discipline, and she

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1 had improved in quite a number of different ways but  
2 she still had a ways to go, so as one area would  
3 improve there would be something else crop up in  
4 another area, as often happens.  
5 So the -- the way the classroom was  
6 structured is after they had -- they needed to -- they  
7 had a little bit of work to do, it's a very small  
8 amount, and then they were going to -- they had --  
9 they'd have snack and then they could have some play  
10 time. Well, this child wanted to sharpen her pencil  
11 and she was coming at me with a very sharp pencil --  
12 so -- and she -- and she says, I'm going to stab you,  
13 and she had her pencil held in a stabbing -- in a  
14 position like she was going to stab me.  
15 So I gently put my hands around each of her  
16 arms. She had her other hand in like a fist position  
17 and the one in like a stab -- the one with the pencil  
18 was in a stabbing position. I didn't want to get hit  
19 with the fist, I didn't want to get stabbed with the  
20 pencil, so I put my hands around her -- each of her  
21 arms gently and I said, no, you're not going to stab  
22 me. I'm going to take you over to your table so you  
23 can finish your work.  
24 And the chair was already out. She hadn't  
25 pushed it in when she got up, so I said, now, sit down

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1 in your chair, and she sat down. And just to make  
2 sure that every -- that I was safe and the kids -- the  
3 other kids at the table were still safe, I didn't let  
4 go of her arms at that point, so I used my leg to push  
5 her chair in, and I pushed the chair in with my leg  
6 and I said, now I want you to do your work because I  
7 don't want you to miss out on all that fun because as  
8 soon as you finish your work you get to eat your snack  
9 and get to go have fun with the other kids.  
10 So I then slowly let go of her hands and  
11 kept my hands a little bit away from her arms just to  
12 make sure what she was going to do because I wanted to  
13 keep those other kids safe. And then she started to  
14 do her work and all was fine. So as the day continued  
15 on and she never said that -- she's not a shy child.  
16 She's -- you know definitely if anything was bothering  
17 her she would definitely say so, and she never said  
18 that her arms hurt or anything, so I know that -- you  
19 know, I know that when I put my arms around her that  
20 it wasn't too tight. So that was only to keep myself  
21 safe and the other kids around her safe and redirected  
22 her.  
23 Q. Do you know if that incident was observed by a parent?  
24 A. The tail end -- the tail end of the -- of it was  
25 observed by a parent. There was a parent walking in

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1 the hallway. She didn't hear her say I'm going to  
2 stab you, she just -- and she didn't see me put my --  
3 starting to put my around arms her, she just saw --  
4 when I put my hands around her arms, she just saw me  
5 with my hands on her arms and taking me (sic) over to  
6 the chair and pushing her in.  
7 She didn't know what she had done prior to  
8 that and she -- oh, yeah, I remember now what this  
9 parent had said. She said, this teacher is  
10 manhandling this child and I wouldn't want other  
11 people to come into this school if they're going to  
12 have a teacher manhandling a child. Well, I wasn't  
13 manhandling a child, I was handling a discipline  
14 problem and keeping myself and the other children  
15 around her safe and giving her some good redirection.  
16 And she got redirected and she had a good rest of the  
17 day, and she really was making good progress.  
18 Q. Would you agree with me that the teacher -- well, not  
19 the teacher -- the parent though made a big raucous of  
20 this with the -- I guess with the administration?  
21 A. Yes, and the sad thing is that even though I had  
22 taught there several years and I -- and he knew me to  
23 be a good teacher and always truthful, he got  
24 concerned because she was saying, well, I was going to  
25 talk to other parents about coming to the school but I

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1 couldn't -- I could not go -- I could not promote your  
2 school and I couldn't talk to parents about coming to  
3 your school if things like this are going to happen  
4 unless I knew that you were going to do something in  
5 regards to this happening, so he --  
6 Q. When you said he, you mean Mr. Faith?  
7 A. Mr. Faith.  
8 Q. Okay.  
9 A. So I believe this is why he put the write-up in my  
10 file, was to appease this parent because he wanted  
11 this parent to spread the word about our school  
12 because otherwise he was afraid that she was going to  
13 spread bad news about the school instead of good news.  
14 The problem was she was not even a  
15 dependable parent. Right after she signed her child  
16 up for school that summer -- the summer before he  
17 started there -- that was the first year that her  
18 child had been there. The summer before he started  
19 there she had said, you know, the school he had been  
20 at had closed down, had just closed down, and she  
21 said, well, he had been having trouble in school, do  
22 you have anybody here that does tutoring.  
23 And we did have a teacher that usually did  
24 tutoring during the summer, and she'd set up times for  
25 tutoring and a lot of times they wouldn't show up,

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1 wouldn't call, nothing. Sometimes she'd call and make  
2 some excuse that really didn't make sense, and then  
3 during -- and then --  
4 Q. Well, let me just clarify. Are you talking about the  
5 parent that reported it or the parent --  
6 A. Yeah, the parent that reported it.  
7 Q. -- of the child that you had to grab?  
8 A. No, the parent that reported it.  
9 Q. Okay.  
10 A. I mean, so this is what happened the summer before  
11 they came, and then after the time she -- with this  
12 parent. And then after the time of this report, which  
13 she didn't know at that time, but later on the same  
14 parent, the one that reported it, when her child  
15 didn't turn in homework he would tell one reason why  
16 he didn't turn in the homework and the parent would  
17 tell a different reason. She'd make up excuses for  
18 him and lie. And they'd figure out that the kid's  
19 answer made more sense than the parent's answer.  
20 Q. Do you remember this had been around October of 2002?  
21 A. That sounds approximately right. It was probably  
22 either September or October, it was in the fall of the  
23 year.  
24 Q. Had there been any other incidents with you as far as  
25 being hands-on with children prior to that?

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1 A. Prior to the previous school year there was a -- there  
2 was a child who -- at nap time a child was -- decided  
3 to do somersaults off of her cot and cartwheels off of  
4 her cot, so this was for her safety that I was  
5 hands-on. I was -- I would catch her and put her back  
6 on her cot. And, you know, I'd watch the kids while  
7 they're napping and they'd have all their eyes shut  
8 and you'd think they were sleeping and I'd start  
9 grading papers or doing some planning, and then I'd  
10 look up and this girl would all of a sudden be  
11 standing on a shelf. So I'd go over there and tell  
12 her to get down and she wouldn't, so I'd lift her  
13 down. Those are the types of hands-on things that I  
14 did.  
15 Well, if she -- she was -- I talked to the  
16 family and I found out that she was seeing a child  
17 psychologist and then once -- and her problems  
18 escalated, they kept getting worse and worse, so I --  
19 Scott Faith suggested that I ask permission to talk to  
20 the psychologist that she was seeing. And after I  
21 explained to the psychologist what was going on in the  
22 classroom the psychologist said, give me some -- well,  
23 she needs some time away from the classroom for a  
24 while and just give me about four weeks just to work  
25 with her when she's not in the classroom and let's see

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1 if we can improve her behavior before we send her back  
2 to your school.  
3 Q. Okay. Now, with regards to you and the incident, did  
4 Mr. Faith at some point counsel you and give you what  
5 he recommended were steps to follow as opposed to  
6 being so hands-on with the children, do you remember  
7 that?  
8 A. Yes, he did.  
9 Q. Okay. I'm going to show you a document which is an  
10 interoffice memo from Mr. Faith to you. Does that  
11 refresh your memory?  
12 MR. ROACH: I'm going to object once again  
13 to the relevancy of this.  
14 BY MR. WARE:  
15 Q. Do you remember receiving that?  
16 A. I do remember receiving this.  
17 Q. And I'm not going to get all into that, but there  
18 was -- they recommended, was it six points, right, or  
19 items?  
20 A. Yes.  
21 Q. And you disagreed with those recommendations, right?  
22 A. Well, I didn't disagree with the fact that these are  
23 good things to do, I disagreed with the fact that  
24 those things would not have worked in that situation.  
25 Step into the hallway and count to ten, well, when a

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1 child's got a sharp pencil about to stab someone, that  
2 would have -- if I stepped into the hallway, that  
3 would have put the other children in the classroom at  
4 danger.  
5 Have another adult remove the student from  
6 the classroom, I don't think so. Any adult that was  
7 around here was going to get stabbed.  
8 Have another adult witness the events, there  
9 wasn't time to go get another adult when she was about  
10 to do that.  
11 Seek assistance from the principal, the  
12 principal was in teaching a math class at that time.  
13 Watch your voice level with the children, my  
14 voice level wasn't loud when I was doing this.  
15 Remove the child away from the angry child,  
16 this was happening right -- you know where the pencil  
17 sharpen -- you probably know where the pencil  
18 sharpener is in the kindergarten classroom. You've  
19 had a child in the kindergarten classroom, right?  
20 Q. I can't put nothing on the record, but I don't  
21 honestly remember.  
22 A. Anyway, I can tell you. The pencil sharpener, it's  
23 right next to the door. She'd just got done  
24 sharpening her pencil, so if I was trying to remove  
25 the class away from the angry child, they'd be going

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1 right past that child that had that sharp pencil that  
2 was ready to stab me, and if I tried to get them out  
3 of there she'd stab anyone. That would have been  
4 putting those children in danger, which I can't do. I  
5 can't put those other children in danger, so in that  
6 situation these things would not have worked. In some  
7 situations some of these things would work. Depending  
8 upon situations you could use one of these things or  
9 other things. My voice level was not a problem.  
10 Q. But you did let the school know you didn't agree with  
11 those recommendations for that situation, right?  
12 A. For that situation, I did -- I did definitely say that  
13 these things would not work, and number 5 wasn't a  
14 problem, so there certainly was nothing I needed to  
15 change, and, I mean, my voice got a tiny bit louder  
16 than normal, but I wasn't -- certainly wasn't yelling  
17 at the child. And the rest of these, no way would  
18 have worked at that time.  
19 Q. That's fair. I just wanted to kind of understand that  
20 you had let them know you didn't agree with the  
21 recommendations. So that was August of 2002, and  
22 other than that I think the only other item that  
23 they -- that somehow got documented in your record was  
24 something about class coverage, right?  
25 A. Yes, which I don't really understand --

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1 Q. And I don't want to get into that.  
2 A. -- why that's in there.  
3 Q. But was there anything other than that, those two, the  
4 class coverage and the incident with the child, was  
5 there anything other than those two in 2002?  
6 A. No.  
7 Q. Okay.  
8 A. Nothing in there at any other time.  
9 Q. Then in August of 2003 again you returned as a called  
10 teacher, right?  
11 A. 2003, are we on -- did you say 2002 or 2003?  
12 Q. We just finished with August of 2002 because we were  
13 talking about the incidents in October 2002.  
14 A. I just want to know what year you're on right now.  
15 I'm just clarifying what year are you talking about  
16 right now?  
17 Q. We're going to be going into 2003 and 2004.  
18 A. Okay.  
19 Q. So in August 2003 you returned again as a called  
20 kindergarten teacher?  
21 A. That's what I thought I would be returning to because  
22 my call was as a kindergarten teacher, but Scott Salo  
23 came into my classroom at the end of the year, even  
24 though Kurt Ostrander was really still the school  
25 board president at the time because Scott Salo wasn't

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1 the school board president until a little bit later,  
2 or chairperson, but anyway I guess Scott Salo was the  
3 one that came in with the news that they wanted me to  
4 teach fourth grade. He said we're going to be  
5 changing some teachers around and Scott Faith let me  
6 know that you have taught the older grades and you  
7 wouldn't have a problem with teaching older grades.  
8 I said, well, I have taught the older  
9 grades, I won't have a problem with it, but I've been  
10 called to kindergarten and I really enjoy teaching  
11 kindergarten. He said, well, we've decided we'd like  
12 you to teach fourth grade and you've got the skills to  
13 teach fourth grade. So they moved people around that  
14 year.  
15 And then it was brought up at one of the  
16 staff meetings that we had all been called to specific  
17 positions and now all of a sudden we're in different  
18 grades than what we've been called for, so after we  
19 were moved to different positions they changed all of  
20 our calls to read called to Hosanna-Tabor as a teacher  
21 and not as a specific grade-level teacher, but that  
22 was after they changed us to a different grade, not  
23 before.  
24 Q. Okay. Well, I might get back to that. So in August  
25 of 2003 you were called still as a kindergarten

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1 teacher but they wanted you to teach fourth grade,  
2 right?  
3 A. No, that was -- that was 2003 -- at the end of 2003 I  
4 was as a -- I was a called teacher as a kindergarten  
5 teacher, then it was -- they wanted me to teach fourth  
6 grade, and I think it was -- and then they assigned --  
7 they said they wanted me to teach fourth grade and  
8 then they had a board meeting and assigned everybody  
9 their new grades. And after they assigned us the new  
10 grades, it was sometime I think later in June or July,  
11 something like that, that they had a voters' meeting  
12 and decided that they could change all the calls from  
13 specific grades to just as a teacher.  
14 Q. Okay. But what I'm trying to get at, would that have  
15 been -- you said the end of 2003?  
16 A. Right.  
17 Q. So would that have been prior to the August 2003  
18 school year --  
19 A. Right.  
20 Q. -- or after that year had started?  
21 A. It was in the -- at the end of the -- at the very end  
22 of the school year after the students left and  
23 everything --  
24 Q. Okay. So I'm going to stop you there because I'm  
25 not -- I think you're ahead of me. I'm trying to get

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1 from August '03 to approximately June of '04. Is that  
2 what you're talking about, that period, because you're  
3 looking on your paper, I see, at 2002 to 2003, so I'm  
4 assuming that period you're looking at goes from  
5 August of '02 to June of '03?  
6 A. Okay. The end of the 2003 school year, after the  
7 students left and teachers were still working, that's  
8 when we were told we were going to teach different  
9 grades. Later than that --  
10 Q. Okay. Well, I haven't --  
11 A. -- sometime in June or July --  
12 Q. -- got to that year.  
13 A. -- of 2003 -- I think it was June or July of 2003,  
14 then there was a voters' meeting, and that's -- that's  
15 when the calls were changed to being instead of called  
16 to whatever grades we were in, whatever we were  
17 originally called from, they changed it to -- called  
18 to a specific grade, they changed all the calls to  
19 just called to teacher.  
20 Q. So are you saying in August of 2002, that's when Scott  
21 addressed you about teaching fourth grade?  
22 A. No.  
23 Q. Well, you said in June of 2003 they changed the calls  
24 to be specific, and you testified earlier that prior  
25 to that change you had been approached by Scott about

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1 teaching fourth grade?  
2 A. No, 2002 to 2003 I taught kindergarten. The end of  
3 the 2003 school year when the students were done with  
4 school, the teachers were still working, that's  
5 when -- that's when Scott said he wanted me to teach  
6 fourth grade and that's when everybody else got --  
7 whoever was getting changed grades got their new  
8 teaching assignments.  
9 And then -- and then it was either later in  
10 June or July, one or the other, that they had a  
11 voters' meeting and they changed the -- they  
12 changed -- at that voters' meeting they decided that  
13 they could change everyone's calls to -- from being  
14 their specific grade level to -- that they had been  
15 called to to just being called to teacher.  
16 Q. Okay. So I think I understand what you're saying now.  
17 So --  
18 A. So once I started this --  
19 MR. ROACH: No, no. Ms. Perich, wait for a  
20 question, please.  
21 MR. WARE: Thank you.  
22 BY MR. WARE:  
23 Q. Okay. So in August of 2003 through June of '04 -- and  
24 this would have been the year right before you started  
25 having your problems with your illness -- you were

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1 doing some fourth-grade teaching; is that correct?  
2 A. I wasn't just doing some fourth-grade teaching, I was  
3 the fourth-grade teacher.  
4 Q. Okay. Now, in August of 2004 you were called back  
5 again, right, and was that going to be back in the  
6 fourth grade or kindergarten?  
7 A. You know -- well, to put this -- I've got a -- I need  
8 to answer -- I need to add something to this. When  
9 you're called you don't like get called back again and  
10 called back again and called back again. When you get  
11 a contract you get a one-year contract and then they  
12 decide if they're going to give you another one-year  
13 contract.  
14 When you're called you're a called teacher  
15 at that school until another school district -- I  
16 mean, another -- I mean, another Lutheran school calls  
17 you and you decide if you want to accept that call and  
18 go there or decline that call and stay at that school.  
19 So you just are -- continue to be a called teacher,  
20 they don't keep calling you.  
21 Q. Okay. But when I say you were called back again, I  
22 mean there was no -- no -- during none of these  
23 intervening periods, request for a peaceful release or  
24 any indication that they were going to try to rescind  
25 your call?

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1 A. No.  
2 Q. So in August of 2004 you came back again on a called  
3 status and you were to be teaching what grade that  
4 year? This would have been the school year that you  
5 got sick in.  
6 A. You're talking about the 2003 to 2004?  
7 MR. ROACH: Following year.  
8 A. 2005 to 2006 I --  
9 BY MR. WARE:  
10 Q. No, 2004. August 2004 to -- it would have went up to  
11 2005.  
12 A. Okay. That's the year that I would have been coming  
13 back as a -- yes, as a called teacher, and I would  
14 have been teaching third and fourth grade that year.  
15 Q. Okay. So it wasn't a combined classroom?  
16 A. Yes, they only had -- there was only one third-grader  
17 and the rest were fourth-graders and --  
18 Q. Would that have been your first year doing a combined  
19 classroom?  
20 A. Yes, but I knew the third-grader and I knew most of  
21 the fourth-graders so -- and I was quite familiar  
22 with -- and I had taught the fourth-grade curriculum  
23 the year before, so I'd only be adding a third-grade  
24 curriculum to it, so it wasn't going to be that much  
25 of a challenge.

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1 Q. But had you ever done it before, taught a combined  
2 classroom?  
3 A. Oh, I taught a combined classroom when I was that  
4 seventh and eighth-grade homeroom teacher. That was a  
5 combined classroom.  
6 Q. So when you mentioned science and math for seventh and  
7 eighth, those were combined classrooms?  
8 A. Yes.  
9 Q. When did you first get -- I guess when did you first  
10 get sick or have your first episode in August of 2004?  
11 MR. ROACH: I'm sorry, I misunderstood or  
12 misheard the question. When again? You just asked  
13 when and then you said August 2004.  
14 BY MR. WARE:  
15 Q. Right. I believe you first went out sick -- it was in  
16 August, right, of 2004 school year?  
17 A. I wasn't able to -- I wasn't able to teach during  
18 that -- there at all during that -- right, I wasn't  
19 able to teach during that school year. I was -- from  
20 the beginning of that school year I was out on  
21 disability.  
22 Q. Okay. So do you remember what happened when you first  
23 had your first episode or incident that year, exactly  
24 what happened? I have an e-mail I can show you that  
25 might refresh your memory. I think this date is

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1 August 11th. I don't know if you need to read all  
2 that, I just want to know if that refreshes your  
3 memory as to what happened?  
4 MR. ROACH: Do you remember the question,  
5 Cheryl?  
6 THE WITNESS: What was the episode like.  
7 MR. ROACH: When?  
8 BY MR. WARE:  
9 Q. What exactly happened? I don't think the e-mail  
10 really explains what exactly happened that preceded  
11 this e-mail having to be sent?  
12 A. I don't think we -- I don't think I really knew what  
13 it was that was -- that was happening. The doctors  
14 were still trying to figure out what it was that was  
15 happening.  
16 Q. Did you ever start teaching classes that year?  
17 A. No.  
18 Q. Okay. So was there any particular event at home or at  
19 the store that kept you from being able to start the  
20 classes, meaning did you pass out somewhere or fall  
21 asleep somewhere?  
22 A. Well, sometimes we thought it -- we thought it was a  
23 lot of different things.  
24 MR. ROACH: Cheryl, focus on his question.  
25 His question was what they thought. Mr. -- I believe,

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1 and he'll correct me if I'm mistaken, he's asking as  
2 to what actually occurred that showed some indication  
3 that you were sick, for instance whether you were  
4 walking and fell down or you were at a golf outing or  
5 something like that and something happened that caused  
6 you to seek medical assistance.  
7 BY MR. WARE:  
8 Q. Right, that's the question.  
9 A. Right, when I was at the -- when I was at that  
10 end-of-the-year golf outing on August 15th I had  
11 asthma problems worse than I had ever had before, and  
12 the inhaler would work for a little while, and every  
13 time I used it it worked for less and less amount of  
14 time. And then we went to lunch afterwards and when I  
15 got -- when we were there I used the inhaler -- one of  
16 the times I used the inhaler it didn't work at all and  
17 I was just -- I really had -- just really couldn't  
18 hardly breathe.  
19 So a staff member rushed me over to  
20 emergency at Garden City. All the staff members tried  
21 to figure out which was the closest hospital and they  
22 decided Garden City was -- tried to decide if Garden  
23 City or Botsford would be closer, and they decided  
24 Garden City would be closer to where we were at at the  
25 time, so they rushed me over to emergency at Garden

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1 City.  
2 MR. ROACH: And you answered the question.  
3 BY MR. WARE:  
4 Q. You said August 15th; is that correct?  
5 A. Yeah.  
6 Q. Okay. So these e-mails are dated August 11th and  
7 12th, so that incident would have been after these  
8 e-mails?  
9 A. That happened -- that happened on July -- that  
10 happened on -- I mean, that happened June 15th.  
11 Q. June 15th, okay. All right.  
12 A. Did I say August?  
13 MR. ROACH: You did.  
14 A. That's because I was looking at this sheet that said  
15 August. And, you know, it's really the time I usually  
16 eat lunch, so it's --  
17 MR. WARE: Okay. Well, you know what, if  
18 you want we can break for lunch. She did say she  
19 needs to break.  
20 (Recess taken at 11:35 a.m.)  
21 (Back on the record at 12:39 p.m.)  
22 BY MR. WARE:  
23 Q. I think when we left off, Ms. Perich, I was asking you  
24 about the first incident, which you indicated was  
25 June 15th of '04 at a golf outing. Do you remember

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1 that?  
2 A. Yes.  
3 Q. And you said this was as asthma attack?  
4 A. This was an asthma attack.  
5 Q. Okay. So by the time of the start of the school year  
6 in August -- when does the school year normally start?  
7 A. The teachers usually go back on the 15th unless that's  
8 a weekend. If it's a weekend we go back the first day  
9 after the -- the first -- then on -- we go back on the  
10 15th of August unless it's the weekend, and then we go  
11 back on the Monday after that.  
12 Q. So by August 15th did you know you weren't going to be  
13 able to start the school year?  
14 A. On August 15th the doctor was still working on --  
15 well, he was still working on a solution to the  
16 problem, but we were trying to -- between the doctor  
17 and I we were trying to find out if I would be able  
18 to -- and I was --  
19 MR. ROACH: I think you provided the answer.  
20 BY MR. WARE:  
21 Q. Okay. So to the doctor, which doctor are you  
22 referring to?  
23 A. Dr. Kou.  
24 Q. Is that K-O-U?  
25 A. Yes.

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1 Q. Okay. And he's out of -- he is out of Beaumont or  
2 Northpoint?  
3 A. Northpoint.  
4 Q. And was that -- were you being treated by Dr. Kou for  
5 the asthma? So the asthma had resolved?  
6 A. Well, I still had asthma at that time point but it  
7 wasn't to the -- I wasn't having severe problems with  
8 it.  
9 Q. So that was being controlled by your asthma  
10 medication?  
11 A. Right.  
12 Q. So between when you had the asthma incident on  
13 June 15th of '04 and August 15th of '04 when the  
14 school year wouldn't have started, what other medical  
15 incident occurred?  
16 A. Well, when I was in the hospital in Garden -- Garden  
17 City Hospital the doctors there recognized a problem  
18 that I didn't recognize. It was the doctors that  
19 thought I had a medical problem and told me that it  
20 would be unsafe to be released from the -- unsafe for  
21 me to be released from the hospital. They didn't --  
22 hadn't pinpointed the problem yet, but they knew there  
23 was a medical problem, so the one -- I guess -- I  
24 think I -- what was the question?  
25 Q. So, well, you kind of answered it. You said you were

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1 hospitalized at Garden City Hospital when another  
2 medical problem was discovered, right?  
3 A. Right.  
4 Q. So that problem hadn't been diagnosed by the time the  
5 school year was supposed to start on August 15th?  
6 A. Well, they had -- they had diagnosed what they  
7 thought -- they had diagnosed it, but they had --  
8 Q. Now, I'm just talking about at the time. I mean,  
9 subsequent it might have been incorrect, but at the  
10 time they had diagnosed it as what?  
11 A. At that time they had diagnosed it as neurocardiogenic  
12 syncope syndrome.  
13 Q. Okay. And then was there a referral for that to  
14 Dr. Kou, is that how you wound up with Dr. Kou?  
15 A. No. I was seeing Dr. Harber for the neurocardiogenic  
16 syncope syndrome, and the medicine you take for that  
17 takes quite a while to take effect so you have to take  
18 it for a long time -- quite a long time to figure --  
19 to know if it's going to work. And then once you find  
20 out one medicine doesn't -- no one medicine works, so  
21 you can take -- there's several different kinds of  
22 medicine that can work for that and it doesn't  
23 always -- you can -- people can have that and one  
24 medicine might not work for them, it might be a  
25 different medicine that works for them, but you don't

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1 know until you've taken it for a certain length of  
2 time.  
3 Q. Well, let me clarify this. When you say that, what  
4 are the symptoms or indications of neurocardiogenic  
5 syncope?  
6 MR. ROACH: Foundation. Objection,  
7 foundation.  
8 BY MR. WARE:  
9 Q. Do you know what the symptoms or indications of that  
10 condition are? If you don't know, you can say you  
11 don't know.  
12 MR. ROACH: If you don't know, just say you  
13 don't know.  
14 A. I'm really not sure.  
15 BY MR. WARE:  
16 Q. Okay. Were you experiencing anything in particular  
17 that they -- that you believe they said might be  
18 related to that condition? Okay. And I don't want  
19 you to have to do hindsight, I mean, I don't want you  
20 to kind of look back in retrospect and say, oh, that  
21 was because of this. I'm just saying at the time was  
22 there anything that was going on with you physically  
23 that they were trying to see if that was related to  
24 the neurocardiogenic syncope?  
25 A. I'm sure there was, but it's -- it's -- looking back

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1 it's kind of hard to remember, you know, all the  
2 different -- what it was that they were looking at.  
3 And really when they first started looking into it I  
4 didn't really even know why they didn't want me to  
5 leave the hospital and why they thought I had a  
6 problem other than the asthma, which we were gradually  
7 getting that under control, so -- and I -- so --  
8 Q. Well, let me move on. As far as the school year that  
9 was supposed to start on August 15th, '04, was it  
10 Dr. Harber or Dr. Kou that gave you the opinion that  
11 you wouldn't be able to start the school year?  
12 A. His name is Dr. Kou.  
13 Q. Kou, I'm sorry. And you were seeing him -- was that  
14 for the neurocardiogenic syncope?  
15 A. No, he's an electrophysiologist. And I had been  
16 experiencing some irregular heartbeats, and Dr. Harber  
17 thought that it might be possible that since I had  
18 really taken a medication from all the different --  
19 from each of the different classifications of  
20 medicines that usually work for neurocardiogenic  
21 syncope syndrome and none of them had worked for me  
22 but yet I had started to have these irregular  
23 heartbeats, that maybe the reason why those medicines  
24 weren't working for me was because of the irregular  
25 heartbeat. So he sent me to Dr. Kou because of the

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1 irregular heartbeat and thought if we got that  
2 resolved that maybe the medications for  
3 neurocardiogenic -- neurocardiogenic -- you know,  
4 would work.  
5 Q. Right. All right. So let me pick up from there.  
6 A. That was his premise.  
7 Q. All right. Let me pick up from there so we can kind  
8 of move along. So Dr. Kou felt --  
9 A. Dr. Kou.  
10 Q. Dr. Kou felt with the irregular heartbeat you couldn't  
11 start the school year?  
12 A. Dr. Kou was okay with the idea of me going in on the  
13 teacher workdays and seeing how I did with that and  
14 then making a decision at that point. I was having  
15 some syncope, I had been having some syncope episodes  
16 and --  
17 Q. Well, let me stop you. What's a syncope episode?  
18 A. It's like -- I should say I was having some things  
19 that they thought were syncope episodes. Syncope is  
20 when you pass out, it's the medical term for passing  
21 out. They thought they were syncope episodes, okay?  
22 They were terming it as that. We later found out that  
23 really wasn't what was happening, but with  
24 neurocardiogenic -- but he was monitoring my -- he had  
25 me on a medication to control my heart and was trying

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1 to get my -- and it was supposed to keep my heartbeats  
2 regular and then he put -- and then he put a heart  
3 monitor on me to see if even with that medication if I  
4 got any irregular heartbeats, so he was thinking that  
5 that medication may work to keep it from being  
6 irregular.  
7 Q. When you say that medication, do you know what the  
8 medication was, the name of it?  
9 A. No.  
10 Q. Okay.  
11 A. So he figured -- you know, he wanted to see if the  
12 medication would work to keep it from being irregular,  
13 so he put the heart monitor on me just to see if it  
14 would still be irregular even with that medication.  
15 MR. ROACH: Counsel, am I correct that your  
16 initial question was who made a decision to suggest  
17 her not returning to work at that time?  
18 MR. WARE: Yes, and then the follow-up was  
19 was that as a result of the irregular heartbeat, and I  
20 think her answer kind of extended was, no, it was the  
21 result of the syncope episodes.  
22 MR. ROACH: Maybe I skipped a question, but  
23 Ms. Perich, focus on the question itself. You don't  
24 have to go into additional information unless you're  
25 asked.

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1 BY MR. WARE:  
2 Q. So was that the gist of your follow-up is that it  
3 wasn't the irregular heartbeat that you said Dr. Kou  
4 or Kou --  
5 A. Kou.  
6 Q. -- that Dr. Kou was concerned about, it was the  
7 syncope, which is why you weren't released to return  
8 to work, right? Or was it a combination of both, I  
9 mean, that might be a fairer question?  
10 A. It was probably a combination of both.  
11 Q. Okay.  
12 A. He had not really made the decision yet until Stacey  
13 Hoeft had -- I had talked to her on the phone and told  
14 her the situation and told her I was planning on  
15 coming in and doing the CPR training, first-aid  
16 training and working my classroom and seeing how  
17 things went and, you know -- and then if things  
18 weren't going good for me then I'd -- you know, that I  
19 wouldn't be able to work for a while, but if things  
20 could continue to go okay then I would.  
21 And then shortly -- I don't know, a few days  
22 later she called me and said her and Pastor talked  
23 about it and they would like me to go on disability  
24 leave, but she assured me that they're -- she assured  
25 me she's not trying to push me out, my job would be

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1 there for me.  
2 Q. So there was no initial indication by any physician  
3 that you needed to be on some disability; is that your  
4 answer?  
5 A. Right. She said just talk to your doctor and see if  
6 he would agree to fill out disability forms because it  
7 was Stacey Hoeft and Pastor that had talked and  
8 decided that they would prefer that I be on  
9 disability.  
10 Q. Did you talk to your doctor about that?  
11 A. I talked to one of the ladies in the office, I don't  
12 remember if it was the receptionist or the nurse, and  
13 they said that they would talk to the doctor and see  
14 if he'd be willing to fill out the forms.  
15 Q. Was this Dr. Harber?  
16 A. Kou.  
17 Q. Dr. Kou. So did Dr. Kou agree to fill out the  
18 disability forms?  
19 A. Yes.  
20 Q. And that was at your request?  
21 A. That was at my request based on Stacey Hoeft asking me  
22 to do that.  
23 Q. Now, when Ms. Hoeft asked you to do that, was there  
24 any paperwork or anything you had to fill out as part  
25 of starting a disability as far as for the school?

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1 A. Yes, there's some paperwork. I don't remember if I  
2 filled it out or if it was just a -- I don't remember  
3 if I filled out something too or if it was just the  
4 doctor that filled out something.  
5 Q. Do you recall whether it was paperwork for Broadspire  
6 or -- the disability carrier at that time, or was it  
7 paperwork for the school, meaning like a request being  
8 made to Ms. Hoeft?  
9 A. No, it wasn't -- it wasn't for the school, it was for  
10 the -- it was for the disability -- it was for -- to  
11 be on disability insurance.  
12 Q. So when Ms. Hoeft approached you about recommending  
13 that you go on disability she -- that actually  
14 included applying for disability insurance as well,  
15 right?  
16 A. Right.  
17 Q. Okay. Now, at that time did you understand -- did  
18 anybody explain to you how that worked, the  
19 disability, whether it was going to be a paid  
20 disability, a disability leave, whether you had to use  
21 up like -- what do they call them -- whether you had  
22 to use up your days off or sick days first?  
23 A. She said that the school would pay my -- pay me my  
24 full paycheck for two weeks and then after that they  
25 would pay 30 percent of my pay and the insurance --

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1 and then the disability insurance would pay the rest.  
2 Q. Did you get that in writing anywhere or was that  
3 stated anywhere, I mean, was there -- did she tell you  
4 that on the phone, a letter, e-mail?  
5 A. I don't remember if she told me on e-mail. I know she  
6 told me on the phone. She might have put it in an  
7 e-mail, but I know she told me on the phone when she  
8 was talking to me.  
9 Q. What about the employee manual, did you get directed  
10 to that, or employee handbook?  
11 A. No, she didn't direct me to that.  
12 Q. Did you look it up yourself in the handbook?  
13 A. No, I didn't need to look it up because she already  
14 told me what was going to happen.  
15 Q. You didn't need to look it up at that time or you  
16 didn't need to look it up once you had spoken to  
17 Stacey? Well, let me clarify that. Did you at some  
18 point look it up in the employee handbook, the  
19 disability policy?  
20 A. Yes, at some point I did.  
21 Q. But not at that time?  
22 A. No, because she explained to me that both her and  
23 Pastor wanted me to be on disability leave but they  
24 weren't trying to push me out in any way, they really  
25 want me to be there. They were -- that my class would

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1 still be there for me and they just wanted me to relax  
2 and get well.  
3 Q. Now, during this period of time you were -- I guess I  
4 could say you were engaged in communicating with  
5 Ms. Hoeft through a series of e-mails; is that  
6 correct?  
7 A. Yes.  
8 Q. Can you see this, Ms. Perich, these e-mails?  
9 A. I can't read them from here. I can see that you're  
10 holding some e-mails.  
11 Q. Did you have communication with Ms. Hoeft through  
12 e-mails?  
13 A. Yes, I did.  
14 Q. I'm going to show you an e-mail dated August 13th of  
15 2004. Did you author that e-mail?  
16 MR. ROACH: Do you remember the -- focus on  
17 his question. Do you remember if, if you can  
18 remember, what his question is?  
19 A. Yes.  
20 BY MR. WARE:  
21 Q. Okay. I'm going to give you this package and I'll  
22 take that one that's got my highlights. And then can  
23 you turn to an e-mail dated August 14th of 2004? Did  
24 you author that e-mail at the time of 11:27 a.m.?  
25 A. Looking at August 14th?

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1 Q. Yeah.  
2 A. It says from Cheryl Perich, so I guess so.  
3 Q. Turn to an e-mail dated August 23rd, 2004 with the  
4 subject a spelling bee.  
5 A. Uh-huh.  
6 Q. Did you author that e-mail?  
7 A. Yes.  
8 Q. And then an e-mail of August 31st, 2004 with a subject  
9 of how you doing?  
10 MR. ROACH: I object based on the misreading  
11 of the subject.  
12 MR. WARE: Well, then we must not be looking  
13 at the same one.  
14 MR. ROACH: There's a Re: How you doing?  
15 BY MR. WARE:  
16 Q. Did you author that e-mail?  
17 MR. ROACH: The one that I was just  
18 referring to?  
19 BY MR. WARE:  
20 Q. Yes, with the Re: How you doing?  
21 A. Yes.  
22 Q. Then there's an e-mail -- if you can turn to  
23 September 10th, 2004, and it has a subject of doctor's  
24 appointment. Do you see that?  
25 A. I do.

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1 Q. Did you author that e-mail?  
2 A. Yes.  
3 Q. And then September 16th, 2004?  
4 A. September 16th.  
5 Q. Yes. And you see the subject there?  
6 A. New disability update.  
7 Q. Yes, did you author that e-mail?  
8 A. Yes.  
9 Q. And then turn to an e-mail September 25th, 2004, the  
10 subject, a disability letter or Re: Disability  
11 letter. Do you see that?  
12 A. I do.  
13 Q. Did you author that e-mail?  
14 A. Yes.  
15 Q. And below that, at least on my copy, there's an e-mail  
16 that purportedly is from Ms. Hoeft dated  
17 September 24th, 2004 and it begins with Cheryl. Did  
18 you actually receive that e-mail from Ms. Hoeft?  
19 A. Probably.  
20 Q. And then can you turn to an e-mail from October 13th  
21 of 2004?  
22 MR. ROACH: I'm sorry, what date?  
23 MR. WARE: October 13th.  
24 BY MR. WARE:  
25 Q. And this has a time of 2:30 p.m. and a subject of

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1 doctor's appointment. Do you see that?  
2 A. Yes.  
3 Q. Did you author that e-mail?  
4 A. Yes.  
5 Q. And then to October 13th, 2004 at 8:59 p.m. and it has  
6 a subject Re: Doctor's appointment. Did you author  
7 that e-mail?  
8 A. Yes.  
9 Q. And do you have an e-mail in there from November 3rd  
10 of 2004? It would be November 3rd.  
11 A. There's no November 3rd, there's November 2nd -- oh,  
12 this says November 3rd.  
13 Q. Right. It has a little icon of a disability letter  
14 doc attached to it. Did you author this e-mail?  
15 A. It's kind of hard to know because it -- it comes  
16 different than the other ones that actually look like  
17 they come off of a computer. These other ones look  
18 like they actually came off of -- all the e-mails are  
19 sent to the computer. This one looks different. It's  
20 hard to tell.  
21 Q. It does, can you read it and tell if you authored the  
22 text or if that was your communication, do you  
23 remember?  
24 A. I have no way of knowing if that is authentically what  
25 I said.

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1 Q. You don't recall writing this?

2 A. I remember saying some of the things, but I really

3 don't -- I have no way of knowing if this is

4 authentically what I said. This appears different

5 than the other ones. I really have no way of knowing.

6 Q. Do you have any copies of your own e-mails?

7 A. I have some copies, but my computer, the hard drive

8 got damaged and I tried to -- I wanted to get it fixed

9 so we could save everything and it wasn't possible.

10 We just had to --

11 Q. Okay. That answers the question. Can you go to

12 November 14th of 2004? It has a subject Re:

13 Disability appeal update, November 15th?

14 A. I thought you said to look for November 14th.

15 Q. Did you author that e-mail?

16 A. It does appear that way on this.

17 Q. Can you go to November 17th, 2004, it has a subject of

18 doctor visit. Did you author that e-mail?

19 A. Yes, I did.

20 Q. Can you go to November 18th of 2004, it has a subject

21 of Re: Doctor's visit and a time of 12:53 p.m. Did

22 you author that e-mail?

23 A. Yes, I did.

24 Q. And below that there is an e-mail dated November 17th,

25 2004, and it indicates here from Ms. Hoeft. Do you

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1 recall receiving that e-mail from Stacey Hoeft?

2 A. I do.

3 Q. And can you go to the e-mail dated November 22nd of

4 2004 with a subject of phone call? Did you author

5 that e-mail?

6 A. Yes, I did.

7 Q. Can you go to an e-mail dated December 16, 2004 with a

8 subject doctor appointment, dash, test results. Did

9 you author that e-mail?

10 A. Yes.

11 Q. Can you go to an e-mail dated January 3rd, 2005 with a

12 subject new disability update. Did you author that

13 e-mail?

14 A. Yes.

15 Q. Can you go to an e-mail dated January 7th, 2005 with

16 the subject Re: E-mail from Jan. 3. Did you author

17 that e-mail?

18 A. No.

19 Q. Are we looking at the same e-mail?

20 A. It says Re: E-mail from January 3 and it says from

21 Stacey Hoeft to Cheryl Perich.

22 Q. No, I'm sorry. This is January 7th, 2005 at 6:01 p.m.

23 MR. ROACH: A different e-mail.

24 A. You said January 7, 2005. You didn't tell a time.

25 BY MR. WARE:

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1 Q. I'm sorry, I didn't know there was more than one

2 January 7th. And it has subject Re: E-mail from

3 Jan. 3. Did you author that e-mail?

4 A. Yes.

5 Q. And then can you go to the e-mail from January 10th of

6 2005 at 3:37 p.m. with the subject of latest news from

7 Broadspire. Did you author that e-mail?

8 A. Yes.

9 Q. And can you go to an e-mail dated January 10th, 2005,

10 4:37 p.m., and it's an e-mail from Ms. Hoeft allegedly

11 to you. Do you remember receiving this e-mail from

12 Ms. Hoeft?

13 A. Can you ask that question again, please?

14 Q. Do you remember receiving this, the January 10th, '05,

15 4:37 p.m. e-mail, from Ms. Hoeft? Yes?

16 A. Yes, I do.

17 Q. Okay. Can you go to an e-mail dated January 12, 2005

18 at 6:54 p.m. with the subject Re: Latest news from

19 Broadspire? Did you author that e-mail?

20 A. Yes.

21 Q. Do you see an e-mail dated January 15th, 2005 with the

22 subject good news?

23 A. Uh-huh.

24 Q. Did you author that e-mail?

25 A. Yes.

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1 Q. Could you go an e-mail dated January 19th, 2005 at

2 1:27 p.m., subject Re: Doctor's appointment. Did you

3 receive that e-mail from Ms. Hoeft?

4 MR. ROACH: I'm sorry, can you identify

5 which one?

6 BY MR. WARE:

7 Q. The time is 1:27 p.m.

8 A. Oh, I was looking at the wrong one.

9 MR. ROACH: Is the number 48 next to that?

10 A. Yes.

11 MR. WARE: Yes.

12 BY MR. WARE:

13 Q. Do you recall receiving that e-mail from Ms. Hoeft?

14 A. I will read it and then I'll know if I remember it.

15 Yes.

16 Q. Okay. Can you go to an e-mail dated January 20th,

17 2005, the subject of update?

18 MR. ROACH: This is number 50?

19 MR. WARE: Yes.

20 BY MR. WARE:

21 Q. Did you author that e-mail?

22 A. Yes.

23 Q. Then there's -- can you go to the e-mail for

24 January 21st, 2005 which has a number 51 circled next

25 to it, a subject -- well, it says to Stacey Hoeft, it

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1 has no subject on it. Did you author that e-mail?  
2 A. Yes.  
3 Q. And could you go to an e-mail from January 21st, 2005  
4 at 3:10 p.m., subject just says Re. Did you receive  
5 that e-mail from Ms. Hoeft?  
6 A. I don't remember.  
7 Q. Okay. Can you go to an e-mail dated January 21st, '05  
8 at 5:09 p.m.?  
9 MR. ROACH: This is number 53?  
10 MR. WARE: Yeah.  
11 BY MR. WARE:  
12 Q. Did you author that e-mail?  
13 A. Yes.  
14 Q. Can you go to an e-mail dated January 21st, 2005 at  
15 7:56 p.m.? Did you author that e-mail?  
16 A. No, I did not.  
17 Q. I'm sorry, do you recall receiving that e-mail from  
18 Ms. Hoeft?  
19 A. Yes.  
20 Q. And I just want to back up. Did your January 21st,  
21 '05 e-mail at 5:09 p.m. refresh your recollection as  
22 to whether or not you received the e-mail that it  
23 responds to from January 21st, '05 at 3:10 p.m. from  
24 Ms. Hoeft?  
25 A. No.

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1 Q. So you still don't recall receiving that e-mail?  
2 A. No.  
3 Q. Can you go to an e-mail dated January 22nd, 2005?  
4 MR. ROACH: That's number 5?  
5 MR. WARE: Yes.  
6 BY MR. WARE:  
7 Q. It's subject Re: Re: It's at 2:01 p.m. Did you  
8 author that e-mail?  
9 A. Yes.  
10 Q. And can you go to the e-mail dated January 24th, 2005  
11 at 4:01 p.m.?  
12 MR. ROACH: Number 56?  
13 MR. WARE: Yes.  
14 BY MR. WARE:  
15 Q. Did you author that e-mail?  
16 A. Yes.  
17 Q. And can you go to an e-mail dated January 27th, 2005  
18 at 2:46 p.m. Did you author that e-mail?  
19 A. January 27th at 2:46?  
20 Q. Yes, January 27, 2005, 2:46 p.m. with the subject more  
21 good news.  
22 MR. ROACH: Number 60?  
23 MR. WARE: Yeah.  
24 BY MR. WARE:  
25 Q. Did you author that e-mail?

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1 A. Yes.  
2 Q. And can you go to an e-mail dated January 31, 2005 at  
3 7:45 a.m. with the subject your last e-mail? Did you  
4 author that e-mail.  
5 A. Yes.  
6 MR. ROACH: Are you done with that, Counsel?  
7 MR. WARE: I'm missing the last --  
8 BY MR. WARE:  
9 Q. I'm showing you an e-mail dated February 21st, 2005  
10 and I believe it has a subject of decision on peaceful  
11 release. Did you author that e-mail?  
12 A. Yes, I did.  
13 Q. And then e-mail dated February 22nd, 2005, and I guess  
14 the subject is communication to the school board. Did  
15 you author that e-mail?  
16 A. I did based on -- I did -- I did do -- I did author  
17 this based on Stacey's request.  
18 Q. And that has a time of --  
19 A. 7:53 p.m.  
20 Q. Okay.  
21 MR. ROACH: And, Counsel, please correct me  
22 if I'm mistaken, but I believe all these e-mails are  
23 part of what has been previously marked as Exhibit 15,  
24 this collection of e-mails?  
25 MR. WEAVER: To the deposition of Stacey

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1 Hoeft I think.  
2 MR. ROACH: Yes.  
3 MR. WARE: Right, they are part of the same  
4 collection.  
5 MR. ROACH: So the document -- I just want  
6 it clear on the record that the documents you are  
7 referring to, the various e-mails, those are part of  
8 Exhibit 15 that were marked previously?  
9 MR. WARE: Yes.  
10 MR. ROACH: That's what I was --  
11 BY MR. WARE:  
12 Q. Now, Ms. Perich, before I authenticated the e-mails,  
13 when we were talking about your disability you  
14 indicated that there was never a form or anything you  
15 had to do for the school, right?  
16 MR. ROACH: Objection, mischaracterizes the  
17 testimony.  
18 BY MR. WARE:  
19 Q. Is that correct?  
20 A. That is correct, it was a verbal communication.  
21 Q. Not that, but, I mean, there was a form but it was for  
22 Broadspire, right?  
23 A. But your question was was there a form I had to fill  
24 out for the school.  
25 Q. Right.

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1 A. So I'm saying for the schools, and I'm assuming that  
2 meant for the school's disability leave.  
3 Q. Yes.  
4 A. And so my answer is that the school's disability leave  
5 was taken based on a verbal communication.  
6 Q. Okay. And that was between you and Ms. Hoeft?  
7 A. Between myself and Ms. Hoeft on the telephone based  
8 on --  
9 Q. Go ahead. I'm sorry, I cut you off.  
10 A. That's okay.  
11 Q. So in addition to the e-mails that we went through  
12 there were also other verbal communications between  
13 you and Ms. Hoeft while you were out on disability?  
14 A. Well, I had tried -- when I was -- before I came  
15 back -- was going to come back to work -- since I was  
16 still experiencing some health problems, I wanted to  
17 talk to her before I came back to work. And I was  
18 trying to call her at the office, school office, and  
19 tried several times and she wasn't there each of the  
20 times that I called. So the secretary gave me her  
21 home phone number to reach her, so I ended up reaching  
22 her at home. And then she said, you know, the better  
23 way to reach me really is by e-mail because I'm back  
24 and forth between school and home, and then she gave  
25 me her work e-mail address and she said, I check this

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1 at home, I check it from school, from home, and so,  
2 you know, you can use this whenever. So she answered  
3 me whether it was daytime or evening or weekend off  
4 that same e-mail address.  
5 Q. So from that point on was the majority or all of your  
6 communications with her through e-mail?  
7 A. All of it was from e-mail after that by her request.  
8 Q. Did you communicate with any other employees at the  
9 church or school during this period? I mean, that's  
10 kind of broad. Let me -- when you first went on  
11 disability were you communicating with any other  
12 employees or board members at the school?  
13 A. When I first went on disability? Well, Ellen Mills  
14 would send me e-mails and tell me cute little things  
15 that her first-graders would do. She knows that --  
16 she knows that I like to hear things going on in the  
17 school, and I would tell her things about my doctor  
18 appointments and how things were going with my health,  
19 but I always e-mailed Stacey about it first. Because  
20 she's my boss I figure I should tell my boss first and  
21 then I'd e-mail Ellen about it as well.  
22 Well, and then the -- but -- so I kept her  
23 up to date with my health and she kept me up to date  
24 with cute little things her first-graders were doing  
25 and it kind of -- because she knows I like to hear

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1 about school things and it was -- you know --  
2 Q. Did you talk to her on the phone too or was it just  
3 e-mails with Ellen?  
4 A. She's long distance and so, you know, with me being in  
5 Ferndale and her being in Redford, it was pretty  
6 expensive to call there.  
7 Q. Anyone else besides Ellen?  
8 A. No.  
9 Q. Now, when you -- when you went out on your disability  
10 were you ever asked for a return date by anyone at the  
11 school, any teachers or board members?  
12 A. No, they never told me that there was any certain date  
13 that I had to return to -- return by. They --  
14 Q. Were you aware of any return date stated in the  
15 employee handbook or elsewhere?  
16 A. Well, I knew that once you're well and you had a  
17 return-to-work slip then that's your -- that's the end  
18 of your disability leave, so that's -- that would be  
19 your end of your -- you know, if you're on a -- if  
20 that's the type of leave you're on is disability leave  
21 and you're -- you're not getting disability anymore  
22 because now you're well and your doctor's giving you a  
23 return-to-work slip, that would be the end of your  
24 disability leave, so that would be your day you'd be  
25 due to return.

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1 Q. When did you become aware of that?  
2 A. It's common sense. If you're -- if -- everyone at  
3 that meeting that we had on the 13th had a copy of my  
4 return-to-work slip, so -- and the doctor had said --  
5 and the disability company knew that I -- already knew  
6 that I wasn't disabled anymore, that I was -- the  
7 doctor had given me the okay to go back to work, so if  
8 you're not on disability and your doctor's given you  
9 the okay to go back to work and your leave type is  
10 disability leave, then you can't be considered -- you  
11 cannot be considered to be on disability leave if  
12 you're no longer disabled and your doctor has given  
13 you a note to say that you are now able to go back to  
14 work with no restrictions, so that's the day that  
15 you're -- that's the first day that you're not on  
16 leave anymore.  
17 Q. Okay. I'm going to show you --  
18 A. So through logical reasoning --  
19 Q. I'm going to show you page 3-3 from the Hosanna-Tabor  
20 Lutheran Church employee handbook and then on -- in  
21 addition 3-4. Have you seen that before?  
22 A. Let me read it first, please. Yes.  
23 Q. Okay. Do you remember when you would have first seen  
24 that?  
25 A. No.

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1 Q. I'm including that page in the Hosanna-Tabor Lutheran  
2 Church employee handbook. Can you look through that  
3 and let me know when you saw that page whether it was  
4 as part of that handbook there that I just provided to  
5 you?  
6 MR. ROACH: Mr. Weaver, have you got a copy  
7 of this handbook marked as an exhibit?  
8 MR. WEAVER: Not at this point, no, just two  
9 pages worth.  
10 MR. ROACH: I think, Counsel, it would be  
11 appropriate if you --  
12 THE WITNESS: This is given in separate  
13 pages, so how do I know this was really in the  
14 handbook or if they stuck it in there separate at a  
15 separate time? If I had the handbook, my own  
16 handbook, with me I'd know if this was the exact same  
17 thing that I saw.  
18 MR. ROACH: Regardless of whether or not you  
19 can identify this as the personnel manual in place at  
20 the time, if Mr. Ware is going to ask questions about  
21 these I think we need to mark this as a document and  
22 mark this as an exhibit so we know what we're talking  
23 about later, since I don't have a copy.  
24 THE WITNESS: I have my copy at home of the  
25 employee handbook, but this is all --

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1 MR. ROACH: Would you like me to make copies  
2 for you?  
3 MR. WARE: Yeah, that's fine. I'm trying  
4 not to re-mark stuff, so I'm not sure if it was marked  
5 or not.  
6 THE WITNESS: I don't know if some of these  
7 pages were put in after the fact or if this is -- all  
8 of this is the same as what it was back then.  
9 MR. ROACH: So you cannot verify --  
10 THE WITNESS: I can't verify it.  
11 MR. ROACH: -- this as being --  
12 THE WITNESS: I can't verify it as being the  
13 same, I really can't.  
14 MR. WARE: Do you want to mark it or not?  
15 MR. ROACH: Yeah, I want to mark it. Let me  
16 go ahead and take a break. Is there anything else you  
17 want copied to mark as an exhibit?  
18 MR. WARE: No. I'm trying not to mark as  
19 much stuff as possible.  
20 (Recess taken at 1:44 p.m.)  
21 MARKED BY THE REPORTER:  
22 DEPOSITION EXHIBIT A  
23 1:59 p.m.  
24 (Back on the record at 2:06 p.m.)  
25 BY MR. WARE:

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1 Q. Ms. Perich, you have a copy of what's been marked as  
2 Exhibit A in front of you.  
3 MR. ROACH: No, you just look at this.  
4 BY MR. WARE:  
5 Q. And I believe you indicated that -- well, did you  
6 indicate you have an employee handbook but you can't  
7 verify if it's the same as this one?  
8 A. Right, because I don't have one with me, so I'd like  
9 to add to that comment that that previous area of the  
10 handbook that you had me look at and said do you  
11 remember looking at this, I cannot verify that what I  
12 looked at in the employee handbook was the same as  
13 what I look at here. I really don't know. That was  
14 three years ago, so I would have to look at my  
15 employee handbook to see if this is the same as that.  
16 Q. And just for the record, the front page of this  
17 handbook says adopted May of 2004, and you can't  
18 recall whether yours has that same date?  
19 A. Well, that's true, the front page says that, but how  
20 do I know if you put in other things in between?  
21 Q. You don't, so --  
22 A. I don't.  
23 Q. -- I'm just asking you if you see that on this copy  
24 we're marking for future reference, that this copy  
25 we're looking at refers to being adopted in May of

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1 2004?  
2 A. I see that on the front of this, but I still don't  
3 have any way of knowing if you put in other things in  
4 between that was adopted any other time, so without  
5 being able to compare to my own copy I don't know if  
6 this is a true representation of what the handbook was  
7 at that time.  
8 Q. That's fair. And then if we open this one up -- can  
9 you open? You'll note that the pages in the left  
10 corner has a designation 12/99?  
11 A. Yes.  
12 Q. And I believe this appears to be numbered sequentially  
13 with the table of contents that has a Roman numeral I  
14 and then page number in the section 1 beginning 1-1  
15 and ending in section 9 with 9-3. Do you see that?  
16 A. 9-3 is a blank page.  
17 Q. Right, and that's the last page with the page numbers,  
18 and then there's an index page labeled I-1 and I-2.  
19 Do you see that?  
20 A. Yes.  
21 Q. Okay. And I'm going to hand you what we're going to  
22 mark as Deposition Exhibit B.  
23 MARKED BY THE REPORTER:  
24 DEPOSITION EXHIBIT B  
25 2:10 p.m.

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1 BY MR. WARE:  
2 Q. Have you ever seen this document before?  
3 A. The first time I saw it was during 2008. I received a  
4 copy of a book from the synod that was labeled  
5 2007-something. It was -- I can't remember what the  
6 title of the book was, but we had that book here  
7 during Bruce Braun's deposition --  
8 MR. ROACH: Ms. Perich --  
9 A. -- but I don't have it now.  
10 MR. ROACH: -- answer his questions.  
11 A. The question was have I seen it. I've seen it before,  
12 yes.  
13 BY MR. WARE:  
14 Q. And that was in 2008?  
15 A. 2008 was the first time I ever saw it.  
16 Q. Just for the record, the document starts with page 37  
17 and it has a title 1-10 dispute resolution of the  
18 synod. Is that the document you're referring to?  
19 A. Yes.  
20 Q. Now, I believe my last question when we were  
21 discussing your being on disability in 2004 you had  
22 indicated that you had never been given or asked for a  
23 certain date that you would return; is that correct?  
24 A. No, they assured me that I would have -- that my job  
25 would be there for me when I got well.

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1 Q. Okay. As part of that though did they ever ask you  
2 for a time line of when you thought you'd be back?  
3 A. No.  
4 Q. During your communication with Ms. Hoeft did you have  
5 occasion to give her some estimates on when you  
6 thought you'd be able to be back?  
7 A. Yes.  
8 Q. Okay. And do you know when you would have gave her  
9 your first one or when that would have started?  
10 A. That was in December after I was definitively  
11 diagnosed with narcolepsy.  
12 Q. So as far as you recall the first time you gave her  
13 some idea of returning would have been in December of  
14 '04?  
15 A. Yes.  
16 Q. And do you remember how long you told them you thought  
17 it would be from December?  
18 A. Yes, I had said -- I had said two to three months.  
19 Dr. Spitzer told me it would take two months to  
20 gradually build me onto the medication, and he wasn't  
21 sure if he would need to take me off any of the other  
22 medication or not at that point, and if he did need  
23 to, then it would take a little bit more time, so  
24 that's why I added the other month in, but we weren't  
25 sure on that.

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1 Q. By December of '04 had you received a diagnosis of  
2 what you were suffering from?  
3 A. Yes. As I just said, when I gave her the time line of  
4 the two to three months, that was after I had been  
5 definitively diagnosed with narcolepsy. That's why I  
6 was able to give her that time line.  
7 Q. Who diagnosed you with narcolepsy?  
8 A. Dr. Spitzer.  
9 Q. Okay. And with regards to the neurocardiogenic  
10 syncope, did that turn out to be a misdiagnosis?  
11 A. Yes, it was.  
12 Q. So that never had to be resolved, it was just a  
13 misdiagnosis?  
14 A. Yes.  
15 Q. What about the vascular migraines?  
16 A. Yes, that's a misdiagnosis also.  
17 Q. So that was something that didn't have to be resolved,  
18 it was a misdiagnosis?  
19 A. Yes.  
20 Q. Now, did you ever let Ms. Hoeft know that those two  
21 diagnoses were misdiagnoses?  
22 A. I don't remember if I did or not.  
23 Q. But you did tell her that you had been properly --  
24 finally properly diagnosed with narcolepsy?  
25 A. Yes, I remember explaining to her that there were

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1 three different tests that I was given, a blood test,  
2 a nighttime sleep test and a daytime sleep test, and  
3 in order to be for sure that you -- the doctor to be  
4 sure that you had narcolepsy you had to be -- have  
5 positive results for at least two of those tests, and  
6 I had positive results on all three of the tests, so  
7 he was positive that I had narcolepsy since you had to  
8 be -- get positive on two of them and I was positive  
9 on all three of them, so he knew for sure that this  
10 was what it was.  
11 Q. Now, do you know what the symptoms affecting  
12 narcolepsy are?  
13 A. Yes, I do.  
14 Q. And what are those?  
15 A. Well, a person can go into a deep sleep and when they  
16 go into the deep sleep you can't -- people don't --  
17 can't wake you up until you're done sleeping, and you  
18 don't hear them or anything, and that can happen any  
19 time throughout the day. The other thing that can  
20 happen is cataplexy and cataplexy is you can -- either  
21 one set of muscles or several sets of muscles or all  
22 your muscles can relax, and if one set of muscles  
23 relaxes your head can kind of go to the side or you  
24 can kind of slouch down, but if all your muscles relax  
25 that's when you can fall to the floor. That's why

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1 they thought I was passing out, because I had fallen  
2 to the floor. And most people get the deep sleep at  
3 one time and the cataplexy at a different time, so  
4 they fall to the floor and they're aware of what's  
5 going on around them but they usually can't talk to  
6 anybody during this time but they can still hear  
7 people. What we found out was that my deep sleep and  
8 my narcolepsy was happening at the exact same time, so  
9 that's why mine was so hard to diagnose.  
10 Q. You mean your deep sleep and your cataplexy?  
11 A. Yes, my deep sleep and my cataplexy were happening at  
12 the exact same time, so that's why it's hard to  
13 diagnose. You can have deep sleep -- you can go into  
14 a deep sleep with your eyes open or with your eyes  
15 shut. If I go into a deep sleep with my eyes shut and  
16 it was just relaxing some muscles, you know, then it  
17 just looked like I was passing out. If I went into a  
18 deep sleep and I was relaxing all muscles, you know,  
19 and my eyes are shut, you know, I was -- I'd pass --  
20 I'd look like I was passing out on the floor but  
21 nobody could wake me up, so sometimes they thought I  
22 was unconscious.  
23 Q. Let me stop you there and just ask a question. When  
24 you said no one could wake you up, was this family  
25 members, because you never passed out at the school,

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1 did you?  
2 A. No.  
3 Q. So when you said no one could wake you up, you meant  
4 family members?  
5 A. Family members. One time I did it in an emergency  
6 room, but even they couldn't figure out what was going  
7 on because it was so rare. I mean, for one thing  
8 narcolepsy is a rare disorder, so regular doctors  
9 really don't know much about it. And then even within  
10 narcolepsy the way mine presented itself was rare  
11 because with narcolepsy usually your deep sleeps and  
12 cataplexy come at two separates times. Mine didn't,  
13 mine came together. So if my eyes were open and I had  
14 the cataplexy and the deep sleep, it would look like I  
15 was having a seizure. And a doctor witnessed one of  
16 these and he thought I was having a seizure, so you  
17 see, this is why there was so many different  
18 diagnoses, because it looked like various different  
19 things because of the deep sleep and the cataplexy  
20 coming all at the same time.  
21 Q. So --  
22 A. Oh, and the reason why -- and the sleep -- and at  
23 night the sleep -- the reason why you go into these  
24 deep sleeps during the daytime is because your sleep  
25 cycles get messed up at night. Most people go into

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1 several various different sleep cycles before they get  
2 to the REM sleep, and with narcolepsy you go into REM  
3 sleep immediately. And --  
4 MR. ROACH: Ms. Perich, wait for a question.  
5 I think his last question has been answered.  
6 BY MR. WARE:  
7 Q. Okay. So my last question was simply did you know  
8 what the symptoms or effects of narcolepsy were, so  
9 you went through that as well as cataplexy, which I'm  
10 assuming --  
11 A. That's part of the narcolepsy is -- that's part of the  
12 symptoms of it, but the medication I have that I --  
13 that Dr. Spitzer put me on completely controls all of  
14 those symptoms.  
15 Q. So as of December 2004 were you on that medication?  
16 A. As of December 2004 I started one of the medications  
17 and you have to slowly, gradually increase that  
18 medication, and then when you get to a certain point  
19 on that medication, then he puts you on the other  
20 medication. There's a couple different medications  
21 you have to be on.  
22 Q. When did you start the other medication?  
23 A. I don't remember. It's -- the --  
24 MR. ROACH: You answered.  
25 BY MR. WARE:

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1 Q. Okay. Were you still having any episodes or any --  
2 suffering from any of the effects of the narcolepsy in  
3 December 2004?  
4 A. Yes, I'd just been diagnosed at that time and they  
5 were just starting to put me on the medication.  
6 Q. What about in January of '05?  
7 A. Yes. What happened is once I got put on the medicine  
8 is that I would gradually be increasing the medicine  
9 and then I would gradually be having less and less of  
10 the episodes.  
11 Q. So you were still having episodes but less often?  
12 A. Uh-huh.  
13 Q. What about in February of '05?  
14 A. I really don't remember when the last one was, but I  
15 do know that when I went to that meeting on  
16 February 13th I was not having any at that point and I  
17 had not been having any for a while.  
18 Q. Did you have any after that?  
19 A. No. I have not had any at all ever since then.  
20 Q. So you've been symptom free since at least  
21 February 13th of '05?  
22 A. Yeah, actually before that, I mean, actually -- I  
23 mean, really I could have gone back to work -- okay.  
24 Yeah, I guess that answers that question. That was  
25 before February 13th that I was symptom free.

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1 Q. Now, I believe it was on January 27th of '05 that you  
2 first indicated you'd be able to return to work  
3 between February 14th and February 28th. Do you  
4 remember that? I mean, if you want to look at  
5 something --  
6 A. I don't remember the exact date that I said it, but I  
7 do remember saying between those two dates.  
8 Q. Now, up until that date, the January 27th, 2005 date,  
9 did you have any problems or concerns with how your  
10 disability had been handled by the school? Let me  
11 rephrase the question.  
12 Did you feel like you were being  
13 discriminated against up until that date of  
14 January 27th, 2005? I mean, if you want to look  
15 through some of the e-mails or something to refresh  
16 your recollection you can do that because that might  
17 give you a better idea of what was going on.  
18 A. Okay.  
19 MR. ROACH: I'm not even sure. That was in  
20 January.  
21 BY MR. WARE:  
22 Q. And just for your information, your January 27th  
23 e-mail is number 60, it's circled as number 60 in  
24 here, which I just asked you about, so if that helps  
25 you out.

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1 A. I'm not even looking at that right now.  
2 MR. ROACH: Well, let me also put an  
3 objection on the record as to the question requesting  
4 a legal opinion.  
5 MR. WARE: Because of the word  
6 discrimination?  
7 MR. ROACH: Yes.  
8 BY MR. WARE:  
9 Q. I think my first question to you was did you have any  
10 problems or concerns with it, because I was trying to  
11 stay away from the word discrimination, but for most  
12 laypeople, I mean, when you feel somebody's done  
13 something wrong to you you feel, quote, discriminated  
14 against. So what I'm trying to say is up until the  
15 January 27th notification of when you believed you  
16 were able to return was there anything else going on  
17 that was giving you the idea that you were somehow  
18 being treated unfairly or discriminated against?  
19 MR. ROACH: Same objection as to the last  
20 part of the question.  
21 BY MR. WARE:  
22 Q. Right, and that's just in your opinion?  
23 A. Well, I was sitting here thinking my attorney would be  
24 better able to answer the question than I, but I  
25 wasn't sure if I was allowed to say that.

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1 Q. So you didn't know up until that point whether or not  
2 there was anything wrong with the way your disability  
3 was being handled?  
4 A. I remember seeing one that said -- that's not the same  
5 one.  
6 MR. WEAVER: While this question is still  
7 pending I want to add to the objection that that calls  
8 for a legal conclusion. The objection on the basis of  
9 vagueness, Ms. Perich hasn't been asked about any  
10 particular incident, remark or communication from  
11 anyone representing Hosanna to her or from herself to  
12 anyone representing Hosanna, and I believe leading up  
13 to January 27th there were an abundance of  
14 communications between her and Ms. Hoeft, perhaps some  
15 representations from Ms. Hoeft about the board  
16 thinking about doing certain things with regard to  
17 asking for peaceful releases of cause after six  
18 months.  
19 We just don't know what she's being asked at  
20 this point, and that could be anything, and I don't  
21 want to make assumptions about what the question is  
22 asking, but I do believe it's pretty vague without  
23 more specificity.  
24 BY MR. WARE:  
25 Q. If that doesn't refresh your memory, Ms. Perich,

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1 that's all you have to say is they don't refresh your  
2 memory.  
3 A. Okay. They don't refresh my memory.  
4 Q. Okay. So I believe when I left off you said it was  
5 January 27th of 2005?  
6 A. What was on January 27th, 2005?  
7 Q. Is when you first notified Ms. Hoeft and the school  
8 that you'd be able to return to work between  
9 February 14th and February 28th?  
10 A. No, you said it was January 27th. I said I know it  
11 was in -- I said I remembered that it was between  
12 February 14th and February 28th, but I didn't remember  
13 exactly what date that I said that.  
14 Q. Can you look at the e-mail dated January 27th, 2005?  
15 It's number 60. Do you see that?  
16 A. Yes.  
17 Q. Now, prior to this e-mail had you given Ms. Hoeft or  
18 anyone else at the school a specific date that you  
19 would be able to return?  
20 A. I had given her -- I guess it wouldn't be a  
21 specific -- I gave her a date of -- in December I gave  
22 her a time line -- Dr. Spitzer had said it took two  
23 months to get a patient fully functional with  
24 narcolepsy and then he wasn't sure if he'd have to  
25 take me off -- he might need to take me off some of

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1 the other medicines, so he wasn't sure on that. So I  
2 said we might need to add another month onto that, so  
3 it would be two to three months. It could be two  
4 months or it could be two to three months, and that  
5 was in December.  
6 Q. That's your December 16th e-mail that you're referring  
7 to?  
8 A. Yes.  
9 Q. Okay. And you previously testified that December was  
10 when you had started the first of your new medication,  
11 right?  
12 A. Yes.  
13 Q. But you were still having episodes, right?  
14 A. Yes.  
15 Q. In fact, you passed out the week after Christmas,  
16 right?  
17 A. Yes. It takes a little while for the medicine to  
18 work. You don't stop getting episodes immediately,  
19 your episodes start getting fewer and fewer --  
20 Q. Okay.  
21 A. -- as your medicine is gradually increased.  
22 Q. That's fine. So then if we get back to January 27th,  
23 again this is the first time -- and you've probably  
24 been on your medication now at least a month -- the  
25 first time that you had specific dates, February 14th

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1 and February 28th, right?  
2 A. Right.  
3 Q. Okay. And do you remember you were being informed  
4 that they were going to be hiring a substitute,  
5 sometime around January 10th in an e-mail, named  
6 Elizabeth Gavrun?  
7 A. Yes, they did tell me they were going to be hiring a  
8 substitute.  
9 Q. Okay. And at that time you still hadn't given them a  
10 specific date when you would be returning, right?  
11 A. I had told her in December that I would be returning  
12 in two to three months.  
13 Q. Right, while you were still having episodes?  
14 A. As I said previously, the episodes would become fewer  
15 and fewer as you gradually increase the medicine.  
16 Q. So on January 10th of '05 when you were notified that  
17 they were going to be hiring Ms. Gavrun did you  
18 indicate to them that I should be able to be back next  
19 month in February?  
20 A. We weren't able to make that prediction at that time.  
21 As I said earlier, in December I told her it would be  
22 two to three months. On January 27th I was far enough  
23 into my regimen of making the medication adjustments  
24 that the doctor was able to make a prediction that it  
25 would be sometime between February 14th and

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1 February 28th.  
2 Q. But as of January 10th you weren't far enough into  
3 your medications to make that prediction, right?  
4 A. Not for him to make an accurate prediction.  
5 Q. Okay. And in fact you sent an e-mail on January 12th  
6 regarding Ms. Gavrun being hired, and you stated in  
7 that e-mail I'm glad to hear that you found someone to  
8 be my long-term sub until I can come back?  
9 A. Yes. Usually a person is considered a long-term sub  
10 if they're subbing for one week or more.  
11 Q. Okay. So is that what you meant by the word long-term  
12 sub is one week or more?  
13 A. Yes, it is, yes.  
14 Q. But that didn't -- you weren't referring to an  
15 extension on your return time, right?  
16 A. No.  
17 Q. Meaning at this point you had no reason to believe  
18 that you still would not be back by February?  
19 A. No. She had told me -- I told her in December it  
20 would be two to three months and I still believed  
21 that, and then when I -- and then later on in January  
22 I was able to give her an exact time line within a  
23 two-week span of between this date and this date that  
24 I would be returning. A long-term sub anywhere I've  
25 been has always been considered one week or more.

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1 Q. Were you still passing out as of January 12th?  
2 A. As I stated earlier, I don't remember when the last  
3 day was that I -- oh, I don't remember when the last  
4 date was that I had an episode. As I stated, we now  
5 at that point in my -- at that point in my medical  
6 history we knew that I was not passing out. You might  
7 see in some of the e-mails me saying passing out  
8 because Stacey and I had gotten used to saying the  
9 word passing out, and she -- I had explained it to her  
10 what it really was and she and I both knew that it  
11 wasn't passing out, so we just kept using those terms  
12 because we didn't really know what else to call it,  
13 but we knew that it wasn't passing out.  
14 Q. Okay. So when you referred to she could also call but  
15 if I've passed out I won't hear the phone?  
16 A. Yeah.  
17 Q. You meant if you fell asleep?  
18 A. Yeah, it could be fallen asleep or it could be fallen  
19 asleep with narcolepsy combined, and she knew that  
20 because I had already explained it to her. And we  
21 just didn't know what else to call it because that's  
22 what we've been calling it all along.  
23 Q. Now, isn't it correct that on January -- sometime  
24 around January 20th you went to a new dosage of your  
25 medication because you were having flu-like symptoms?

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1 A. Okay. I didn't go to a new dose because I was having  
2 flu-like symptoms, I went to the new dose and I came  
3 down with flu-like symptoms and I didn't know if the  
4 flu-like symptoms were a side effect of having the  
5 larger dose or if it was really the flu.  
6 Q. Okay. So we're within probably three weeks of your  
7 return date, right, which would be somewhere between  
8 February 14th at the earliest?  
9 MR. WEAVER: I'm going to object to the  
10 extent it mischaracterizes the record at this point.  
11 Her doctor gave her a return date of February 22nd,  
12 that would make it a month from the return date.  
13 MR. WARE: I'm sorry, I'll correct the  
14 question.  
15 BY MR. WARE:  
16 Q. We're within three weeks of this specific return date  
17 you had given him at this time, which was  
18 February 14th?  
19 A. I had given him a date of between February 14th and  
20 February 28th.  
21 Q. Okay.  
22 A. So I was going to return somewhere between --  
23 somewhere by the end of February, so even if --  
24 whether it was flu-like symptoms or whether I was  
25 having symptoms from the higher dose and had to have

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1 it adjusted, I still would have time to have that  
2 medication adjusted and still be well enough by the  
3 end of February.  
4 As it turned out it was not any problem from  
5 the medication. He had me reduce the medication just  
6 to see if it was and the flu-like symptoms continued,  
7 so it wasn't the medication after all, it was the flu.  
8 And so now we knew it wasn't the medication so I could  
9 continue -- then up the dosage and continue having  
10 less and less episodes because I was continuing to up  
11 my dosage.  
12 Q. Can you look at the January 21st, 2005 e-mail from  
13 Ms. Hoeft to yourself?  
14 MR. ROACH: From?  
15 BY MR. WARE:  
16 Q. That's not it.  
17 A. Number 51?  
18 Q. 52.  
19 A. Okay. Oh, 52.  
20 Q. Now, was this the first communication you had got from  
21 Ms. Hoeft regarding a peaceful release or resignation  
22 of your call?  
23 A. I haven't read this yet. Could I have some time to  
24 read it?  
25 Q. I'm sorry.

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1 A. This is the first time I heard it, but it doesn't say  
2 that they're going to do it. It just says that  
3 they're going to ask Pastor to do this but he had  
4 been -- his situation was different. He had been on  
5 disability since September of the previous school  
6 year.  
7 Q. Okay.  
8 A. And he was terminally ill, stage IV cancer.  
9 Q. So at some point you e-mailed them back to say that  
10 you would be back, right?  
11 A. Yes.  
12 Q. And I think that was the same day? If you turn to --  
13 do you have an e-mail dated January 21st, 5:09 p.m.?  
14 All right. Now, this e-mail again is dated  
15 January 21st, 2005 and it doesn't give a specific date  
16 yet though, right? In fact, you indicate at one point  
17 in the e-mail looks like I will be back this school  
18 year.  
19 A. I haven't read this, so you're asking me questions  
20 about something I haven't read yet. Yes, it does say  
21 this school year. I was talking in generic years  
22 between this school year and next school year because  
23 she was asking a question about would I be back next  
24 school year. And why ask the question about would I  
25 be back next school year when I would be well enough

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1 to come back during this school year? So that's why I  
2 was saying generically this school year and not  
3 talking a time line of exactly what time.  
4 Q. So you still hadn't given them a specific date?  
5 A. In December I had given them the time of two to three  
6 months, and then when was the time -- I think we've  
7 covered that already. What was the date that -- there  
8 was another date that I gave them, the other --  
9 Q. The February 14th to 28th day?  
10 A. Yeah.  
11 Q. That was January 27th. We haven't got to that e-mail  
12 yet.  
13 A. Okay. So no, on January -- we haven't got to it but  
14 we got to it a little while ago. Okay. So as of  
15 January 21 I didn't give exact dates, but in December  
16 I had said it would be between two to three months,  
17 and then January 21 I was telling her I thought it  
18 might be the medicine giving me these symptoms but it  
19 looks like it's the real flu so it looks like I'll be  
20 able to increase my medicine and I'll be able to start  
21 increasing it sooner and that won't be a problem.  
22 I'll be able to get back sooner. So then it was only  
23 six days after that that I was able to give her exact  
24 dates of between February 14 and February 28.  
25 Q. And the six days after that you're referring to is

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1 January 27th?

2 A. January 27, uh-huh.

3 Q. Okay. So the next question I guess I want to -- I

4 guess what the question I'm asking you though is did

5 you have any problems or concerns with anything that

6 was going on before you gave them the specific date of

7 the February 14th or February 28?

8 A. I think I already stated that I'm not sure exactly

9 when the time was that there were -- that there were

10 concerns. I think there were some concerns at various

11 different times along the way. My major concerns came

12 at the time of the meeting on February 13th.

13 Q. Okay. We haven't got to that meeting yet.

14 A. But there were other concerns along -- there were some

15 concerns along the way, but my major concern came

16 then.

17 Q. Is that when you feel you were first discriminated

18 against?

19 A. Whether I was first discriminated against, I'm not

20 sure. I was definitely very discriminated against

21 that day, but whether I was first discriminated

22 against then, I'm not sure. That would have to be my

23 attorney's decision on that.

24 Q. It would have to be your attorney's decision?

25 A. Yeah, that's a bit of a legal decision, I would think.

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1 Q. Of when you were first discriminated against is your

2 attorney's decision?

3 A. Right.

4 MR. ROACH: I paid all that money for law

5 school.

6 BY MR. WARE:

7 Q. So you can't identify any specific act of

8 discrimination prior to speaking with your attorney,

9 right?

10 MR. ROACH: I'm sorry, what? I missed --

11 THE WITNESS: He said that I can't identify

12 any acts of discrimination without talking to my

13 attorney.

14 BY MR. WARE:

15 Q. Well, I mean prior to having spoken with an attorney

16 you couldn't identify any specific acts of

17 discrimination?

18 MR. ROACH: As far as making a legal

19 conclusion, that would be correct.

20 BY MR. WARE:

21 Q. I'm not asking for a legal conclusion, I'm just asking

22 in your mind did you feel there were being things that

23 were being done discriminatory to you, whether or not

24 the law recognized it as discrimination or not? All

25 right. Let me rephrase the question.

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1 Did you feel any of the actions of the

2 school and Ms. Hoeft were motivated by discrimination

3 that were being -- well, that were being directed

4 towards you?

5 MR. ROACH: Could we -- and maybe you can

6 repeat your question if you'd like, but maybe you

7 could rephrase it in such a way of making decisions,

8 unfair decisions based on your disability.

9 MR. WEAVER: Yeah, because it's more of a

10 factual question versus a legal question.

11 MR. WARE: Well, I'm trying to separate the

12 discrimination from the retaliation. I understand

13 when she's going to -- her claim of retaliation is

14 going to come up, but I'm trying to do prior to that,

15 whether or not you felt any of the actions that were

16 being directed toward you were motivated by a desire,

17 an intent to discriminate against you based on your

18 disability, and if so if you can kind of identify when

19 you first got that feeling that all of this is being

20 motivated because of my disability?

21 MR. ROACH: Well, the problem is that when

22 you're using legal words and legal terms, then it's

23 hard for her to make a judgment. If you go back to

24 making decisions regarding her employment based on a

25 disability that she disagrees with or is unfair, maybe

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1 we can go right to the facts rather than her trying to

2 make a determination as to what's unlawful

3 discrimination or not.

4 MR. WARE: Okay. I just -- your distinction

5 went over my head. You said my making decisions based

6 on her employment?

7 MR. ROACH: Decisions about her employment

8 that are based on her disability or lack thereof, in

9 other words so that she's going to -- I think what

10 you're getting at is her concerns about decisions that

11 were about to be made or that were being made that

12 were based on her disability or lack thereof, I think.

13 MR. WEAVER: Yeah.

14 MR. ROACH: I think that's what --

15 BY MR. WARE:

16 Q. Did you understand what your attorney said,

17 Ms. Perich?

18 A. Yes.

19 Q. So then let me rephrase the question like this. When

20 you received the -- I believe it was the January 21st

21 e-mail from Ms. Hoeft regarding your intentions for

22 the next year was that the first time that you felt an

23 employment decision was being made based on your

24 disability?

25 A. I didn't really think there was -- I thought she just

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1 misunderstood me in this letter. I'm trying to --  
2 Q. That's fair. Let me see if I can keep going. Did you  
3 think it was unusual or were you -- what's the word  
4 I'm looking for? Did you understand why around this  
5 time of year they were trying to ask for your  
6 intentions for the next school year, I mean, would  
7 that have been usual if you hadn't been out on  
8 disability leave to start asking you in January?  
9 A. They don't usually ask that early.  
10 Q. So you thought that might have been a little early?  
11 A. Uh-huh.  
12 Q. Do you think that was based on your disability?  
13 A. I was starting to wonder because they don't usually  
14 ask that early.  
15 Q. Do you know in speaking with Ms. Mills whether any of  
16 the other teachers were starting to be asked around  
17 that time what they were going to do next year?  
18 A. I didn't even think to ask her.  
19 Q. And by early you -- normally they would start asking  
20 in February, I believe you testified, right?  
21 A. I don't remember testifying to that.  
22 Q. When we were speaking about your call and you got your  
23 colloquy completed in February, do you remember  
24 testifying that that was usually when they'd start  
25 asking about the next year and contracts and things?

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1 A. Occasionally they have in February. More of the time  
2 it's usually been around March.  
3 Q. Okay. And so for this particular year did you ever  
4 find out whether or not any other teachers were being  
5 asked around this same time about their intentions?  
6 A. No, I didn't.  
7 Q. What about any other employees like Pastor Eggers?  
8 A. Well, she says that they were -- I think there were --  
9 I think there was something in here about -- well, I  
10 don't know. I don't know.  
11 Q. That's an answer.  
12 A. Later on there was something about asking him to  
13 rescind his call, but it didn't say anything in here  
14 about asking if he was going to come back because they  
15 don't ask if he's going to come back. He's always  
16 there.  
17 Q. Now, as of January 21st when you got the e-mail from  
18 Ms. Hoeft regarding your intentions, isn't it true  
19 that you had never mentioned anything about filing a  
20 lawsuit?  
21 A. That's true.  
22 Q. All right. And isn't it true that you had never told  
23 anybody that you felt like you were being  
24 discriminated against?  
25 A. Like I stated, I thought that she didn't understand

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1 what I had been saying, so I was --  
2 Q. Right, that's fair, but at this point hadn't invoked  
3 any rights under the disability act, had you?  
4 A. I thought she misunderstood me and I tried to explain  
5 myself, that's why -- that's what this was about.  
6 Q. So is that a no?  
7 A. No, I had not invoked any rights under anything at  
8 that point.  
9 Q. So you stated in your lawsuit that in January 2005  
10 Perich informed Hoeft that she would be able to return  
11 to work in the last two weeks of February 2005.  
12 Shortly thereafter Hoeft informed a coworker that,  
13 quote, I'm not a doctor but as sick as she (Perich)  
14 been, I don't think that she'll be back this year and  
15 probably not next year. Who was that coworker that  
16 Ms. Hoeft sent that to?  
17 A. Golly, that was so long ago that I don't remember who  
18 the coworker was.  
19 Q. So you don't know who the coworker was?  
20 A. Well, I did at the time, but I can't remember now  
21 because that was a long time ago.  
22 Q. You were told this statement by the coworker?  
23 A. I don't remember if I was told that by the coworker or  
24 by someone who heard her tell it to the coworker.  
25 Q. Was it Ms. Mills? If you don't remember you can say

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1 you don't remember.  
2 A. I don't remember.  
3 Q. Do you remember me asking you earlier if you had  
4 spoken with any other coworkers or employees at the  
5 school other than Ms. Mills and you indicated you had  
6 not?  
7 A. Right.  
8 Q. So are you changing that answer now that you might  
9 have spoken with one other coworker?  
10 A. No.  
11 Q. Okay. So then it would have been Ms. Mills that told  
12 you about that statement?  
13 MR. ROACH: Objection, misstates her  
14 testimony.  
15 BY MR. WARE:  
16 Q. Well, was it -- well, no, you've already answered.  
17 I'll go to another question.  
18 A. I did talk to some other people when I was at Pastor  
19 Eggers' funeral, at the funeral dinner.  
20 Q. Do you remember when that was?  
21 A. No.  
22 Q. All right. I guess -- do you know who you spoke to at  
23 the funeral dinner?  
24 A. A lot of people.  
25 Q. Church members or school teachers?

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1 A. School teachers, school board members, school  
2 families, children that would come to me and talk to  
3 me.  
4 Q. And so if Pastor Eggers' funeral was not in January of  
5 '05, then you would have -- you would not have known  
6 about this statement then, right, this would have been  
7 some statement that you somehow heard about later?  
8 A. I don't know if I heard about it at Pastor Eggers'  
9 funeral or if I heard about it in a different way. I  
10 really don't remember when I heard about it.  
11 Q. Do you remember speaking with any other employees or  
12 church members prior to January of '05 and prior to  
13 Pastor Eggers' funeral?  
14 A. No.  
15 Q. Now, were you at the January 30th congregation  
16 meeting?  
17 A. January 30, no.  
18 Q. Okay. Were you informed that there was going to be a  
19 congregation meeting on January 30th, if you remember?  
20 I don't know if I looked at that or not.  
21 A. I'm not sure if I knew about it or not.  
22 Q. Okay. And that meeting, do you remember what the  
23 purpose of that meeting would have been or do you know  
24 now what the purpose of that meeting would have been?  
25 A. I remember hearing at some of the other depositions

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1 that they decided to change the disability policy and  
2 that they decided to ask Pastor Eggers and myself to  
3 ask for a peaceful release in exchange for us getting  
4 the -- our insurance paid for at the HMO rate and if  
5 we wanted -- my insurance was PPO, so I wanted to keep  
6 the same insurance I had to pay the remainder of my  
7 own cost through the end of that calendar year.  
8 Q. Now, the January 30th meeting, congregational meeting,  
9 would actually have been only three days after they  
10 had got a definitive return date for you, right, when  
11 it was held, is that correct, from the 27th to the  
12 30th?  
13 A. That's correct.  
14 Q. Do you remember testimony in prior depositions that  
15 congregational meetings are announced two weeks  
16 consecutively prior to the meeting before they're  
17 held?  
18 A. They are supposed to be announced two weeks prior, but  
19 they're not always announced two weeks prior.  
20 Q. But do you have any reason to believe in this instance  
21 this meeting wasn't announced for two weeks  
22 consecutive to the meeting?  
23 MR. ROACH: Objection, foundation. She  
24 wouldn't know one way or the other unless she went to  
25 church.

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1 MR. WARE: I'm asking her does she have any  
2 reason to know?  
3 A. I really don't know since I wasn't there.  
4 BY MR. WARE:  
5 Q. What about through Ms. Mills?  
6 A. She didn't tell me if it was or wasn't.  
7 Q. Did you speak to Ms. Mills about the meeting?  
8 A. I don't remember if we talked about it or not.  
9 Q. Did you ask Ms. Mills to tell the congregation you  
10 felt betrayed?  
11 A. No, I didn't.  
12 Q. Okay. So if Ms. Mills went to the meeting and made a  
13 statement saying that you felt betrayed, you don't  
14 know where she would have gotten that from?  
15 A. I would -- I would probably guess that she probably  
16 decided that if something like that were happening to  
17 her that she would feel betrayed so she decided that I  
18 would feel betrayed. That's probably where it came  
19 from.  
20 Q. But at this point you testified just recently that as  
21 of the -- I believe you said it was the January 21st  
22 e-mail you simply felt that Ms. Hoeft didn't  
23 understand what you were saying about being able to  
24 return to work, right? You didn't express any  
25 feelings of being betrayed by her asking for your

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1 intentions?  
2 A. As of what?  
3 Q. As of January 21st, so you're saying you don't  
4 understand why Ms. Mills would have went and told them  
5 you felt betrayed, but I had asked you previously when  
6 you received the January 21st e-mail from Ms. Hoeft  
7 regarding your intentions whether or not you felt you  
8 were being discriminated against, and your response  
9 was I felt she didn't understand what I was saying  
10 about being able to return?  
11 A. Well, based on the things she said in the letter it  
12 sounded like she didn't understand, but I don't know  
13 what Ellen was hearing at the meeting and based -- and  
14 what comments people were making, and also the fact  
15 that I later on found out that that was when they were  
16 saying that they could be -- you know, they wanted me  
17 to rescind my call in exchange for -- in order to keep  
18 the same insurance I had, I had to pay a huge amount  
19 of money. And then they acted like they were doing me  
20 a favor by paying the HMO rate but I still would end  
21 up paying a lot of money to keep that insurance, and  
22 they'd only be paying it until the end of the year and  
23 I'd be out of a job when they had promised me I could  
24 go back to work and I had already told them in  
25 December it would be two to three months and prior to

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1 that meeting I had given them -- well, yeah, prior --  
2 prior to the -- I think it was prior to that meeting I  
3 gave them -- prior to that meeting I gave them a more  
4 exact date. Prior to that meeting they knew that it  
5 would be between the 14th -- February 14th and  
6 February 18th, and when she said she was going to get  
7 a sub for me she said the sub -- she'd be subbing for  
8 me until I could return.

9 MR. WEAVER: Just to clarify, I believe you  
10 said a minute ago February 18th, but --

11 A. February 14th to February 28th. She'd been writing  
12 get-well cards to me and the older kids that could  
13 write would be writing get-well letters to me and  
14 they'd be asking me are you coming back when you get  
15 well and I'd be writing letters back to them -- I  
16 didn't want -- it was too hard to write a letter to  
17 each and every kid in every class, so I'd write a  
18 letter to their classroom and I'd try to answer the  
19 questions that they'd ask in their letters and say I'm  
20 starting to get better now and say, yes, I am coming  
21 back when I get well, I'm looking forward to seeing  
22 you, because that was my understanding that I was  
23 coming back. She had told me that my classroom would  
24 be there -- my position would be there for me when I  
25 got well, told me there was going to be a sub in my

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1 classroom and until you can return, so --

2 BY MR. WARE:

3 Q. That's fine.

4 A. -- I guess I can see where Ellen would feel that I  
5 would feel I was being betrayed.

6 I never said that, but I can see where she  
7 would feel that I would feel that way.

8 Q. Okay, that's fine, you never said that. I want to go  
9 to your January 31st, 2005 e-mail and in particular --

10 MR. ROACH: 62?

11 MR. WARE: Yes.

12 BY MR. WARE:

13 Q. In particular I want to go to the last paragraph where  
14 you go through some different suggestions I guess as  
15 to regarding if you aren't able to teach. Do you see  
16 those?

17 A. Yes, I do.

18 Q. Okay. Did you prepare this because you felt you  
19 wouldn't be able to teach because of your condition,  
20 because at this point you've already given them a  
21 return date so you've already said, look, I should be  
22 back between the 14th and the 28th. And so now you're  
23 kind of discussing if I'm not able to teach here's  
24 some other ideas. And so what I want to ask you is  
25 were you given these ideas because you felt you might

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1 still not be medically able to teach --

2 A. No.

3 Q. -- or was this because you had been informed there was  
4 no position available as a teacher?

5 A. No, I was not doing this because I was not going to be  
6 medically able to teach. I knew I'd be medically able  
7 to teach. Give me a minute and I'll show you why.

8 Okay. Please look at number 60. It's the e-mail from  
9 Stacey -- from me to Stacey Hoeft from Thursday,  
10 January 27, 2005 2:46 p.m. with 60 circled.

11 It reads, Stacey, I called Dr. Spitzer's  
12 office today. He says that I will probably be able to  
13 go back to work on Monday, February 14th if everything  
14 goes okay with the medication adjustments between now  
15 and then. There is a possibility that I might have to  
16 return one or two weeks after that if there's a  
17 problem with how I adjust to the next medicine, so  
18 I'll see you sometime between February 14th and  
19 February 28th. Thanks for your prayers, Cheryl.

20 I was so excited to be able to give her that  
21 news. I thought she'd be excited for me also. She  
22 answers on the next one, item number 61, from Stacey  
23 Hoeft sent Thursday, January 27, 2005, 7:18 p.m. to  
24 Cheryl Perich. Subject, Re: More good news. Cheryl,  
25 why -- I mean, wow. I am surprised to hear that you

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1 will be able to return so soon. It was just a few  
2 days ago that you said that you were unable to  
3 complete your disability forms because of the illness.  
4 The medicine must be doing wonders. How often are  
5 you, quote, passing out? I know that it's not really  
6 passing out. How do you term it now? Is he going to  
7 permit you to come back full time?

8 I, in parentheses, and the board especially,  
9 closed parenthesis, am going to have so many questions  
10 for you. I guess I wonder how you're not permitted to  
11 drive, yet you can be responsible for the safety of a  
12 classroom of children. You can see why I'd be  
13 concerned. Also I want to make it clear that when you  
14 are able to return it will not be to teach third and  
15 fourth grades. First, I contracted Liz to teach until  
16 June 15th and cannot take her job away. Second,  
17 because those children have already had two teachers  
18 this year and having a third does not provide a good  
19 learning environment for them, not to mention a bad  
20 reputation for our school, we need to start thinking  
21 about how we can include you back into our staff. Let  
22 me know if you have any suggestions.

23 Also I know that you will not be able to  
24 just walk into a classroom and start teaching, no one  
25 could. You haven't even stepped foot into our

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1 building since last June. There will have to be some  
2 major preparations to be made to provide a smooth  
3 return. I'm sorry if I don't sound excited for you.  
4 I guess the administrator in me is nervous about how  
5 to make the best of the situation for everyone. Of  
6 course I'm concerned for you, but please remember that  
7 my main concern as the principal is doing what's best  
8 for the ministry as a whole, especially my students.

9 Please keep me informed as usual. I will  
10 pass this information along to the board of ed and the  
11 board of directors. I will keep you posted too. Dan  
12 and I are taking the kids to Niagara Falls for the  
13 weekend. I'll be back in time for the voters' meeting  
14 on Sunday. I just want you to know that so if you  
15 e-mail me and I don't respond this weekend you'll  
16 know why. Have a great weekend.

17 Q. Okay.

18 MR. ROACH: Well, I think that she has to  
19 now finish the -- answer the question.

20 A. Now, this is -- I was under the understanding -- I was  
21 so excited to give her this e-mail from January 27th  
22 that, you know, I'm going to return sometime between  
23 February 14th and February 28th, thought she'd be  
24 really excited for me. All along she's praying for me  
25 and she's hoping I'm going to return, my job's waiting

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1 there for me, they have a sub in place until you can  
2 return. Okay.

3 Then I tell her that and all of a sudden I  
4 want to make it clear that when you return it will not  
5 be to teach third and fourth grades. She's contracted  
6 Liz to teach until June 15th, which didn't make any  
7 sense to me.

8 BY MR. WARE:

9 Q. So was that the first notification you got that there  
10 was no position available for a third and fourth-grade  
11 teacher.

12 A. Yes, and then --

13 Q. Had you threatened to file any lawsuit at that time?

14 A. Excuse me, I haven't finished --

15 Q. Well, Ms. Perich, Ms. Perich --

16 A. I haven't finished answering your question. Your  
17 question was why did I --

18 Q. I was going to withdraw it, but go ahead.

19 A. Your question was why did I give all of these things  
20 that I could do. In this she said that I couldn't  
21 come back to the third and fourth-grade position. We  
22 need to start thinking about how we can include you  
23 back into our staff. So I'm thinking, well, she  
24 should be letting me go back into the third and  
25 fourth-grade classroom because she promised me that.

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1 She just said that sub's there until I can return, but  
2 she's still going to include me back in the staff, she  
3 wants to know how she can do it. She says let me know  
4 if you have any suggestions, so --

5 MR. WEAVER: Just what date was that e-mail  
6 you just read from?

7 THE WITNESS: Thursday, January 27th, and  
8 it's number 61. So she was going to be out of town  
9 for the weekend so I took the weekend to think about  
10 the suggestions. At 7:45 in the morning on Monday,  
11 January 31 I answered her and I -- it's from Cheryl  
12 Perich to Stacey Hoeft. I said, you mentioned that  
13 you were surprised that I would be able to come back  
14 this soon because it wasn't very long ago that I  
15 worked on my disability forms a little at a time.

16 Please remember that I had the flu,  
17 underlined, along with still having a few of my  
18 episodes. I only mentioned it had taken me a while to  
19 fill out those forms because I wanted to let you know  
20 that if I had been able to fill them out more quickly  
21 it would have had the wrong information because I  
22 didn't know about the 30 percent check stopping. So I  
23 was glad that I had only been able to work on them a  
24 little at a time because that I hadn't mailed them in  
25 yet and I could white out the response to the question

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1 about any other income since I had just found out that  
2 I wouldn't have any more income.

3 She had said in hers that I couldn't fill  
4 out the form. I just could but I was doing it a  
5 little bit at a time because I had the flu. I have  
6 been continuing to call my episodes passing out  
7 because that is what it looks like and I knew that you  
8 were aware that it really wasn't passing out.

9 BY MR. WARE:

10 Q. Okay. Ms. Perich, I want to stop you there because  
11 your answer is no longer responsive to the question.

12 A. Okay. Now that later on I -- it says -- I went down  
13 to the next paragraph. It says you wanted me to give  
14 you ideas of what I could do if I'm not teaching third  
15 and fourth grade. I do believe that I should still be  
16 teaching third and fourth grade because you told me  
17 that you were going to hire (inaudible) underlined  
18 until I could come back. Even though I believe that I  
19 should be teaching that classroom, I will give you  
20 ideas of what I could do if I'm not teaching those  
21 grades, parenthesis, since that's what you asked, end  
22 parenthesis, period. And I listed seven different  
23 ideas.

24 Q. So let me ask you this, why didn't you simply file a  
25 lawsuit for breach of contract?

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1 A. I continued to try to work this out with the school.  
2 I did not want to file a lawsuit.  
3 Q. Okay. But --  
4 A. I continued to try to work it out.  
5 Q. Okay. That's fine, maybe that's a legal decision.  
6 A. At that point that we're at there in the e-mails I was  
7 still trying to work it out.  
8 Q. Right, so I guess the gist of my question is these  
9 aren't accommodations that you need and are requesting  
10 because of your condition, these are simply other  
11 duties you can be given as an employee, right?  
12 A. Yes.  
13 Q. Was that the purpose of this?  
14 A. Right, she wasn't -- I was supposed to be -- come back  
15 to my class and she wouldn't allow me to do that, but  
16 I was still going to be an employee, so I could -- she  
17 said you can come back, we're going to work you back  
18 in, but help me think of some other things you could  
19 do, so I did.  
20 Q. Now, and this was January 31st, right, when you gave  
21 the list of other things you could do as an employee?  
22 A. I closed it up.  
23 Q. It's number 62?  
24 MR. ROACH: You said the word suggestions?  
25 Did I --

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1 MR. WARE: I said the list of other things  
2 you could do as an employee.  
3 BY MR. WARE:  
4 Q. 62?  
5 MR. ROACH: January 31st, the long one.  
6 A. Okay.  
7 BY MR. WARE:  
8 Q. All right. And so we saw previously that there was a  
9 congregation meeting on January 30th, and I guess you  
10 learned later on that the results of that meeting were  
11 to request a peaceful release, right?  
12 A. However -- I did learn that later on, however Stacey  
13 knew three days prior to that that I had given her a  
14 return date -- return-to-work date of between  
15 February 14 to between February 28, and she didn't  
16 want to return me back to my classroom even though she  
17 had promised that and she told me that the sub was  
18 only going to be subbing until I could return to work.  
19 But even though she said she -- she wasn't going to  
20 let me return to my classroom, she offered to have me  
21 do other things -- other things in the building as --  
22 still as a Hosanna-Tabor employee as long as I gave  
23 her ideas, came up with some ideas of other things I  
24 could do.  
25 Q. Is it correct to say you felt Stacey had broke her

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1 word --  
2 A. Definitely.  
3 Q. -- when she told you she would have a position there  
4 waiting for you?  
5 A. Yes. She should have informed the voters of that,  
6 should have informed the voters at that meeting of  
7 what I told -- what I had -- whether the information  
8 that I gave her three days prior that those -- that  
9 the return-to-work date between February 14 to  
10 February 28th, instead of this stuff that we saw in  
11 there when we did the other deposition, we saw it said  
12 that I wouldn't be able to return to work that year or  
13 the following year. She had knowledge that the doctor  
14 had said it would be between February 14 and  
15 February 28.  
16 Q. Now, in the January 31 --  
17 A. She should have told them that she'd offered to let  
18 me -- if I couldn't teach in that classroom she should  
19 have told them that I'd offered -- that she had asked  
20 me to come up with ideas of other things I could do,  
21 and I've done that. I don't think that's --  
22 Q. You felt she broke her word?  
23 A. Yes.  
24 Q. Okay. In the e-mail number 64 Ms. Hoeft basically  
25 tells you she wants you to start having -- and I don't

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1 know if she puts it in this one, having communication  
2 with Jim Pranschke or she -- I think she mentioned  
3 Scott in here. But in essence the e-mail is saying,  
4 well, don't contact me no more, right?  
5 A. Uh-huh.  
6 Q. Did you try to contact her after that e-mail?  
7 A. I don't think so.  
8 Q. Okay. Did you at some point start --  
9 A. I did contact her the one time by e-mail, and that was  
10 the evening before I went into work that I contacted  
11 her on February 24th.  
12 Q. Other than that was there any other time that you  
13 tried to get in touch with her?  
14 A. I don't think so, not that I remember, because I was  
15 told not to.  
16 Q. Now, at this point had you given them a decision on  
17 your peaceful release?  
18 A. No.  
19 Q. All right. Had you been informed at this point that  
20 the congregation had voted to ask for your peaceful  
21 release?  
22 A. No.  
23 Q. When did you first get informed that the congregation  
24 had voted to ask for your peaceful release? And, I  
25 mean, if it will help you you have an e-mail, and I

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1 think it's dated February 21st, where you say, I've  
2 decided to not ask for a peaceful release. So do you  
3 remember when you were first informed -- I'm assuming  
4 it would have been by Jim -- that, okay, there's been  
5 a vote -- or Scott, that they want you to ask for a  
6 peaceful release?

7 A. Scott contacted -- Scott called my house and he told  
8 me that he wanted to -- he wanted to -- he and Tom  
9 Pichan wanted to talk to me about my -- no, that  
10 doesn't even answer your question. I thought you  
11 meant something else. Excuse me. The first time I --  
12 the first time I can remember hearing about it was at  
13 the February 13 meeting.

14 Q. Do you remember being contacted by Scott sometime  
15 between -- between either February 7th and  
16 February 9th regarding setting up a meeting with you,  
17 him and Tom?

18 A. Yes, Scott wanted to meet -- Scott wanted to meet with  
19 me and bring Tom along, and I said I didn't have any  
20 problem with him bringing Tom, but I really preferred  
21 to meet with the whole school board and Jim Pranschke,  
22 so I said, how about this, how about I just come to  
23 the school board meeting because I know there's a  
24 school board meeting scheduled for this coming Monday.  
25 I said school board meetings are always on the second

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1 Monday of the month, so there was supposed to be a  
2 school board meeting on the 14th.  
3 Q. Do you know if that's why Jim Pranschke was at that  
4 school board meeting on the 14th was because you asked  
5 that he be there?

6 A. I thought -- at the time I thought that he was -- that  
7 was why he was there, but I'm not sure because hearing  
8 his testimony in his deposition he said that --

9 Q. All right. Well, let's not go by his testimony.

10 A. He said that sometimes he goes to school board  
11 meetings. Other times I didn't -- when I have -- as a  
12 teacher you're supposed to go to a certain amount of  
13 school board meetings in a year. When I've been to  
14 school board meetings other times he wasn't there, but  
15 that doesn't mean he wasn't there on other occasions  
16 when I wasn't there. So I thought he was there  
17 because I requested him. He could have been there  
18 otherwise even if I didn't. I don't know.

19 Q. Did you also request that Ms. Mills attend the school  
20 board meeting?

21 A. I did request that.

22 Q. And that request was denied?

23 A. It was denied.

24 Q. Did they tell you why, I mean, did they say because it  
25 was a closed meeting?

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1 A. I asked Scott. Scott didn't know what to say, so he  
2 said I'll have to ask Jim. And he called me back the  
3 following evening and he said Jim Pranschke said it  
4 would be inappropriate.

5 Q. Okay. Prior to the February --

6 A. I really don't understand what would be inappropriate  
7 about a fellow teacher being at that meeting.

8 Q. Okay. Prior to the February 13th meeting did you meet  
9 with Jim and Stacey alone?

10 A. No, I did not.

11 Q. Okay. So when you met with them would that have been  
12 at the board meeting?

13 A. Yes.

14 Q. What happened at the February 13th board meeting?

15 A. Well, the first thing, Scott presented a letter to me  
16 and read it stating that they wanted me to request a  
17 peaceful release and in exchange for that they would  
18 pay my medical benefits at the HMO rate and if I  
19 wanted to continue getting the PPO I'd have to pay the  
20 difference, and that would be until -- through  
21 December of that year.

22 And then I asked to speak and they -- I  
23 presented my back-to-work slip. I had the original  
24 and I had lots of copies, and I asked -- I passed out  
25 the -- a pile of copies. I passed them around the

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1 table and I asked them who wants the original. No one  
2 replied.

3 Q. The original, meaning the small return-to-work thing?

4 A. The original return-to-work from my doctor. I asked  
5 them who would like to have the original. I didn't  
6 know if it should go over to the school board  
7 chairperson or the president of the congregation or  
8 the principal. So I said, who would like the  
9 original? No one replied, so I put it in the middle  
10 of the table in case someone decided to take it later.  
11 At the end of the meeting no one had picked it up so  
12 I took it with me. But everyone got a copy, everyone  
13 who was there got a copy of the return-to-work slip.  
14 I made sure that everyone had one in front of them and  
15 then they passed me back the extras.

16 They wanted to -- I told -- they saw that  
17 narcolepsy was on there. They wanted to know what  
18 narcolepsy was and what the symptoms of narcolepsy is  
19 and -- much as you were asking earlier. And so I gave  
20 them a full description, even more full than what I  
21 gave today, gave them -- you know, answered all their  
22 questions about it, and then I let them know that I've  
23 been on medication and I'm completely free of  
24 symptoms, the medication completely controls my  
25 symptoms. And they said they didn't see how I could

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1 be -- see -- didn't see how I could take care of the  
2 children and be sure that the children could be safe  
3 if I couldn't even drive a car.  
4 Q. When you said they, did anybody in particular say that  
5 at the meeting, if you remember?  
6 A. I think it was Stacey, but I'm not sure. I'm like  
7 99 percent sure it was Stacey. And I said, well, I'm  
8 not -- the doctor doesn't want me to drive a car yet  
9 even though I'm -- even though I'm episode free and he  
10 knows I'm not going to have any more episodes, but  
11 that's only because I'm a little on the weak side  
12 because I haven't been doing a lot of things. He  
13 wants me to get my strength back before I start  
14 driving, and he had said a few days before I go back  
15 to work I could start driving around the neighborhood  
16 and then the day I go back to work I'll be fine to  
17 drive to work.  
18 Q. Did they --  
19 A. And then Mr. Ostrander said, Cheryl, I wouldn't drive  
20 even if the doctor says you could drive. You've got  
21 to think about your -- your own safety and the safety  
22 of others around you. And I said if -- I said,  
23 Dr. Spitzer is not only a neurologist, he's a  
24 neurologist that other neurologists send their  
25 patients to when they can't figure out things. He's

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1 very good. There's no way that he's going to  
2 jeopardize my life and the lives of other people  
3 around me by telling me I can drive if there's any  
4 possibility that I'm going to have any of these  
5 episodes while I'm driving. So if Dr. Spitzer tells  
6 me I can drive, I know that I'm not jeopardizing my  
7 life or anybody else's life.  
8 And Mr. Ostrander continued to say, I still  
9 think that no matter if a doctor tells you to or not,  
10 I wouldn't drive until you've been on that medicine a  
11 lot longer and you know for sure that you're not going  
12 to have any more episodes, even if the doctor says you  
13 can drive. I said, the doctor has assured me that the  
14 medicine is working and will continue to work, and I'm  
15 not jeopardizing anyone's life.  
16 And then Stacey said there are parents in  
17 this building that are -- that would be -- that would  
18 be afraid to see you in this building. I said, well,  
19 the good thing to do is to let me be in this building  
20 and let them see how healthy I am and that nothing  
21 happens and then they wouldn't be afraid to see me in  
22 the building.  
23 Then Sheila Simpson said, well, you  
24 haven't -- you haven't been symptom free for long  
25 enough to even know that medicine's going to -- she

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1 says, I've -- Sheila Simpson says, I have a medical  
2 background and I know that you haven't been symptom  
3 free for long enough to know that you are not going to  
4 start having episodes again, and what if you need to  
5 change -- and what if you need to have a different  
6 dose? What if it starts -- this amount of the  
7 medicine doesn't work anymore and you need to change  
8 your dose and then you start having symptoms because  
9 you need a different amount of dose, what then? She  
10 said, I think you need to be symptom free for at least  
11 three months before I'd want you to come back. And a  
12 lot -- most of the board agreed with her on that.  
13 And then she says, but if I had a child in  
14 that classroom I'd want you to be symptom free for at  
15 least six months but probably a year before you came  
16 back. And then the board started arguing with me over  
17 when I started the medicine. They said you haven't  
18 even been on the medicine long enough to be well  
19 enough to come back. You didn't start the medicine  
20 until January. I said, no, I started the medicine in  
21 December. They said, well, we've been looking through  
22 your e-mails so we know you started in January. I  
23 said, well, you know, I might not have mentioned  
24 starting it in December, but I know when I started the  
25 medicine, I started my medicine in December.

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1 And they kept arguing back and forth with me  
2 on when I started my medicine and how long I had I'd  
3 been on medicine and the fact that I just could not  
4 have been well enough this soon to be able to come  
5 back. So they were totally convinced that even though  
6 my doctor gave me a note with no restrictions at all  
7 saying that on February 22nd I could come back, they  
8 are all convinced that I was still in a disabled  
9 state, I still had problems, there's no way I could  
10 come back.  
11 Q. Now, did they also tell you at the meeting that there  
12 was no job for you to return to?  
13 A. Scott Salo did say that, and that was only after  
14 everybody went for a long time on this other thing  
15 about all my health problems and gave all the reasons  
16 why I couldn't come back. So that was the board --  
17 the consensus of the board was I couldn't come back  
18 because of all my medical problems which they  
19 perceived me to still have which I no longer had. Not  
20 only was my narcolepsy under control, I no longer had  
21 irregular heartbeat and I no longer had asthma.  
22 Q. Did they also tell you they couldn't promise you a  
23 position in the next school year at that time, not  
24 that you wouldn't have one but they couldn't promise  
25 you one?

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1 A. Yes, I said -- they -- Scott said, we don't have a  
2 position for you. Then Stacey said, we contracted Liz  
3 until June 15th, and I said, yes, and you promised me  
4 she was just going to be a sub. Jim says a long-term  
5 sub, and I said, but, Jim, you might not understand  
6 this because you're not in education, but a long-term  
7 sub means one week or longer, and she would have been  
8 here longer than one week. And subs usually like  
9 long-term sub positions, even if it's only one week  
10 because they're in the same classroom every day for  
11 even a week, and that's wonderful instead of going  
12 from room to room or building to building.

13 So that's -- so I said this is not what you  
14 promised. I said, okay, so let's -- I said, let's  
15 talk about next year, if you've already done this,  
16 which you told me you weren't going to do. Would I be  
17 able to be coming back next year? And Scott says,  
18 well, you know we never know how many teachers we're  
19 going to need the next year. And I said, that's true,  
20 it depends on how many students we have. But I want  
21 to know if we had the same approximate amount of  
22 students, give or take a few, and we needed the same  
23 amount of teachers would you ask Liz Gavern to come  
24 back first or would you ask me to come back first?  
25 And Stacey shoved her chair back and said, well, I

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1 don't know how good Liz Gavern is compared to you yet  
2 because she hasn't been here very long, so I can't  
3 make the decision yet.  
4 I'm a called teacher. I'm supposed to be  
5 called to that position until some other school calls  
6 me. She was only supposed to be a sub until I  
7 returned from disability leave. She's only contracted  
8 until June 15th, but now she's telling me it all  
9 depends how good she is compared to me and whether or  
10 not she's going to be there the following year.

11 So I said, well, let's go -- let's talk  
12 about this in a different way. It seems like most of  
13 you are concerned over my ability to work even though  
14 my doctor says that there's no problem with me  
15 working. And it seems the consensus of the board that  
16 you want me to be symptom free for three months.  
17 Well, three months and the school year is going to be  
18 out. So if I were symptom free for three months then  
19 would you agree to give me a position, granted there  
20 is one, but over Liz who was only just contracted to  
21 be here for next year?

22 Stacey says, well, how can we do that?  
23 Well, what if you were -- what if you were symptom  
24 free for three months and then so we'd say, okay, you  
25 have a teaching position now, and then what if one day

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1 after three months you've have an episode and then  
2 you'd say, well, you told me you'd have a teaching  
3 position? I said, Stacey, my doctor has assured me  
4 I'm not going to have any more episodes and that's not  
5 going to happen. And I said, we can even put in there  
6 episode free until the beginning of the school year if  
7 you want to because there's not going to be any more  
8 episodes. She says, well, we're not going to do that.  
9 Q. So was it your impression that prior to the meeting  
10 they had already made up their mind not to bring you  
11 back the next year?  
12 A. I really don't know, but at that meeting it certainly  
13 seemed that they all felt that I was too sick to come  
14 back to work even though --  
15 Q. Isn't it true you stated --  
16 A. Even though I was -- even though I was -- even though  
17 my doctor said that I was fine to go back to work with  
18 no restrictions.  
19 Q. But isn't it true you state in your lawsuit at  
20 paragraph -- I believe it's paragraph 12, at the  
21 beginning of the meeting Salo gave Perich a written  
22 proposal wherein Perich would resign if the church  
23 paid part of her medical insurance for a limited time.  
24 It says in response Perich provided the board with a  
25 copy of her return-to-work, so before you ever

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1 provided them with your return-to-work they already  
2 had a written proposal asking for your peaceful  
3 release?

4 A. Yes, they did.

5 Q. When did you first get a doctor's excuse authorizing  
6 you to go back to work?

7 MR. WEAVER: A doctor's excuse?

8 BY MR. WARE:

9 Q. Or a doctor's note saying you could return to work?

10 A. It's called a return-to-work slip from the doctor.

11 Q. When did you first get your return-to-work slip from  
12 the doctor?

13 A. I don't recall exactly what day it was on. I really  
14 don't remember.

15 Q. You had it on February 13th which you just testified  
16 to so do you remember whether or not you got it a day  
17 before that or a week before that or --

18 A. I just stated I don't remember.

19 Q. Do you remember how many days before it? I'm not  
20 trying to get the exact date.

21 A. I don't remember.

22 Q. Do you remember whether or not you got one or two  
23 doctor's return-to-work slips?

24 A. I've got this -- I don't understand why you'd be  
25 asking me if I got a different return-to-work slip. I

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1 gave you this return-to-work slip that the doctor gave  
2 me and said that I could go back to work on the 22nd.  
3 Q. Did you get one or two return-to-work slips from your  
4 doctor, if you remember?  
5 A. I don't remember getting any other return-to-work slip  
6 besides this return-to-work slip.  
7 Q. Besides the February 13th return-to-work slip?  
8 A. No, the February 22nd return-to-work slip.  
9 Q. All right. But one you passed out February 13th?  
10 A. Yes.  
11 Q. That said you could return to work February 22nd?  
12 A. Right.  
13 Q. Did you get any other letters from your doctor saying  
14 you could return to work February 22nd?  
15 A. When I was -- yes.  
16 Q. Okay. And when was that?  
17 A. On February 21.  
18 Q. Okay. And is that this letter here that I'm showing  
19 you?  
20 A. Yes.  
21 Q. Do you remember what time in the day you got that on  
22 February 21?  
23 A. No.  
24 Q. Did you ever give this to anyone at Hosanna-Tabor?  
25 A. No.

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1 Q. Why not?  
2 A. They had -- at the school board meeting they had -- I  
3 had told them that if -- they wouldn't let me come  
4 back to work, I was going to be out without any money  
5 coming in because my doctor had told me I could return  
6 to work and my -- so I wasn't going to be getting  
7 disability.  
8 And Sheila said, I know how doctors do,  
9 doctors work with patients. If you -- you can just go  
10 to your doctor and say that your employer says that  
11 you need to be symptom free for three months and then  
12 they'll extend your disability, so I -- she says -- so  
13 they all agreed I needed to go talk to my doctor --  
14 go -- I need to call my doctor. Well, I tried calling  
15 my doctor and he wasn't there that week and the  
16 next -- but his office manager said he can't take care  
17 of things like that over the phone, so she gave me an  
18 appointment for Monday morning.  
19 And when I talked to him on Monday he said,  
20 I can't extend your disability when you're well and  
21 able to work. And then I said to him, I haven't made  
22 my full decision yet but I -- I don't -- I'm thinking  
23 I might not ask for the peaceful release, and if I  
24 don't -- no, wait a minute, that's not how it -- oh,  
25 that's what -- that was later on I was thinking of

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1 that -- about -- no. I just told him, I said, they  
2 wanted me to come in on the 21st. They might want a  
3 letter -- they might want a letter from you so that  
4 they know I've actually come and talked to you about  
5 this. He said, why would they want a letter? I've  
6 already given you a return-to-work slip. I said,  
7 well, just to verify that I actually came to your  
8 office.  
9 Q. Let me stop you. Who wanted you to come in on -- you  
10 said the 21st --  
11 A. Well, they wanted me to --  
12 Q. -- I'm assuming you meant the 22nd?  
13 MR. ROACH: They, who? Spitzer's office?  
14 A. Yeah, Spitzer's office.  
15 BY MR. WARE:  
16 Q. Well, you said they might want a letter, so I'm saying  
17 who?  
18 A. Sheila Simpson told me to go to my doctor's office --  
19 to call my doctor's office and try to get him -- and  
20 tell him that I needed my disability extended because  
21 she says, I have a medical background and I know how  
22 doctors do these things. You just tell him your  
23 employer needs you to be symptom free for three months  
24 before you can return to work and they'll extend your  
25 disability.

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1 So I talked to Jim Pranschke the following  
2 evening and I said that doesn't sound -- that kind of  
3 sounds illegal to me to ask someone -- ask a doctor to  
4 change his records and ask him to put you back on  
5 disability when you're really able to work, and I  
6 said, that's probably why it took me so long to get  
7 approved for disability is because people probably do  
8 stuff like this and try to be on disability when  
9 they're not really disabled. I said, do you really  
10 think I should do that because Sheila says to do it  
11 and the rest of the board is agreeing with her.  
12 So I asked Jim because he's the president of  
13 the congregation. I said do you really think I should  
14 do this, it sounds like it might be illegal? And he  
15 says, well, go ahead and call the doctor and see what  
16 he says. So he still wanted me to do it.  
17 So I called, he wasn't there that week. The  
18 office manager said with something like that he can't  
19 handle it over the phone, you're going to need to meet  
20 with him. And he wasn't there that whole week, that's  
21 the first time I could meet with him was  
22 February 21st. So I just asked him for some kind of a  
23 letter showing I had met with him. So that's the  
24 letter he gave me.  
25 Well, I came in the next -- when I came in

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1 the next -- came in later on in the day I still was  
2 undecided most of the day and it was -- that's why the  
3 e-mail was later because I still was undecided for  
4 quite a while. So when I decided not to take the  
5 peaceful release and I knew everybody had the  
6 return-to-work slip so that was -- that would be the  
7 end of my leave, so I came in to work -- I came in the  
8 next day.  
9 I didn't even think about giving it to --  
10 you know, I got that in case anybody asked for a  
11 letter or something showing I had been to him. She  
12 didn't ask -- Stacey didn't ask for it and I didn't  
13 even think about giving it to her because she was --  
14 Q. Did you have this on you on February 22nd, did you  
15 have this letter with you?  
16 A. She was yelling at me and just, you know --  
17 MR. ROACH: Well, he's got a question.  
18 BY MR. WARE:  
19 Q. Did you have that letter with you on February 22nd  
20 when you came in?  
21 A. I think so. I don't remember if I -- I know he had  
22 to -- he said he would be -- he would be transcribing  
23 it at the end of his day, not right after the time I  
24 saw him, and then his secretary would be typing it.  
25 So I don't really remember if I went and got it at the

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1 end of the day or I got it the next day, but even if I  
2 had it that day I'm sure I wouldn't have remembered to  
3 give it to her because she was yelling at me so much,  
4 so --  
5 MR. ROACH: Okay. Wait for a question.  
6 BY MR. WARE:  
7 Q. Okay. And then so you sent an e-mail that evening.  
8 Is that when you had first made up your mind not to  
9 take the peaceful release? I believe we looked at  
10 that. That was at --  
11 A. That's when I had gotten --  
12 Q. -- February 21st around 9:03 p.m.?  
13 A. That's when I had finally made my decision. I had  
14 been trying to make my decision all this time.  
15 Q. So at this point when you send this at 9:03 p.m. do  
16 you go back and refer to the employee manual with  
17 regards to once your leave expires you can be  
18 considered a voluntary termination? Well, let me ask  
19 you this. Is this when you made up your mind that you  
20 had to report the next day because of what was in the  
21 manual or simply because that was what your return to  
22 work was and you were just going to return to work?  
23 A. I think it was both.  
24 Q. Do you remember whether you referred to the manual  
25 that evening before you came in?

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1 A. I don't remember.  
2 MR. ROACH: All right. We're at a pause.  
3 It's about five minutes to 4:00. What are your  
4 thoughts as far as completing the deposition, how much  
5 time? I've lost my secretarial staff at 3:30. Let's  
6 take a break.  
7 (Recess taken at 3:54 p.m.)  
8 (Back on the record at 4:04 p.m.)  
9 BY MR. WARE:  
10 Q. I think my last question I just want to know is your  
11 version of the events of February 22nd, exactly what  
12 happened?  
13 A. I came in at 7:15 and quietly looked at the children's  
14 artwork in the hallway. One of the teachers unlocked  
15 the door to the teachers' workroom where we were going  
16 to have devotions. I walked in there and Ms. Gavern  
17 introduced herself to me and I introduced myself to  
18 her and we sat next to each other, and -- oh, before I  
19 went in Becka (phonetic) came up to me and gave me a  
20 hug and said she was so glad to see me.  
21 Then we went in there and we had devotions.  
22 At some point during the time, I don't remember if it  
23 was before or after, Jim Hoeft took out his cell phone  
24 and went into the hallway to make a phone call. I  
25 think it was before but I'm not sure. After devotions

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1 were over Stacey arrived and she handed out some  
2 yearbook pages and told the teachers to look at them  
3 and check them for mistakes and she asked me to come  
4 into her office. And she said, would you come into my  
5 office. I said, sure, and we -- and we quietly walked  
6 across the hall to her office.  
7 Q. The devotion room, is that the room off from the gym?  
8 A. That's the room we used to use for devotions and I  
9 don't know if they might be currently using it --  
10 Q. Probably, yeah.  
11 A. -- but at that time they were using the room that they  
12 were at that time calling the teacher workroom.  
13 It was a room, a small room, that was next  
14 to -- a very small room that was next to the  
15 kindergarten room. It used to be used as a resource  
16 room at one point.  
17 Q. Okay. Is that --  
18 A. They were using it as a teacher workroom that year.  
19 Q. Is that the entrance where the office is at, the  
20 entrance next to the school office, it's the room by  
21 that entrance?  
22 A. Right, yes.  
23 Q. Okay. So there's a room over there by the school  
24 office that they were using back then?  
25 A. It's across the hall from the school office, next to

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1 the kindergarten room.  
2 Q. Right. Now, was latchkey in session at the time?  
3 A. Yes, it was, but I didn't walk anywhere near the  
4 latchkey. I walked down the hall and looked at the  
5 artwork past where they were.  
6 Q. Was latchkey still located next to the office back  
7 then?  
8 A. Right in the preschool room.  
9 Q. Right. Okay.  
10 A. I just, you know, walked past them and --  
11 Q. So what happened after Stacey asked you to come into  
12 the office?  
13 A. She shut the door and started yelling at me.  
14 Q. All right. What was she yelling at you about?  
15 A. She said, I don't know why you're here, you know we  
16 don't have a position for you. There's no reason for  
17 you to be here. What do you think you're doing coming  
18 in this school and disrupting things.  
19 I said, I didn't disrupt anything. I came  
20 in quietly and enjoyed devotions with the teachers and  
21 came in here when you asked me to come in here.  
22 Q. So at some point where did she get the idea you  
23 wouldn't leave without a note, I mean, at some point  
24 did she ask you to leave?  
25 A. Yes, at some point she did.

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1 Q. All right. And what did you reply?  
2 A. I replied that I wanted something in writing showing  
3 that I had been there.  
4 Q. So you just wanted something in writing showing you  
5 had been there?  
6 A. Uh-huh.  
7 MR. WEAVER: You have to say yes or no.  
8 A. Yes.  
9 BY MR. WARE:  
10 Q. This is -- is that what you were given -- and this has  
11 previously been marked, I'm not sure. It's a letter  
12 dated February 22nd on plain paper with no letterhead  
13 addressed to you?  
14 A. Yes, she gave me this.  
15 Q. And was that -- did that satisfy you as to something  
16 in writing showing you had been there?  
17 A. Yes.  
18 Q. Now, the rest of the language in there, do you know  
19 why they put that in there? Let me rephrase the  
20 question.  
21 Do you know why they wouldn't have simply  
22 wrote a letter saying this is to verify that  
23 Ms. Perich came into work today and we asked her to  
24 leave if all you asked for was something showing you  
25 had been there?

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1 A. Well, I didn't really think it was improper  
2 notification because she had asked me to -- she had  
3 asked me to communicate with her via e-mail, and when  
4 I was in her office she told me that I -- that I had  
5 used her work e-mail. Well, that's the e-mail we had  
6 been communicating all along was her work mail and she  
7 had been answering the working e-mail both from work  
8 and from home --  
9 Q. That's fine.  
10 A. -- and she'd answered it both --  
11 Q. That's fine, Ms. --  
12 A. She'd answer it in the evening --  
13 Q. Let me stop you.  
14 A. -- at this time of the evening often --  
15 Q. Let me stop you.  
16 A. -- and later than this.  
17 Q. I'm not trying to make --  
18 A. Lots of times after she put her kids to bed she'd  
19 answer this.  
20 MR. WEAVER: Cheryl, you have to let him ask  
21 a question.  
22 BY MR. WARE:  
23 Q. I'm not trying to make any kind of characterization as  
24 to any of the language used in there about improper  
25 notification and all that. I don't care about that.

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1 The only thing I'm trying to ask you about was you  
2 didn't ask for the rest of this information, did you,  
3 you said you just wanted a letter saying you had been  
4 there?  
5 A. Right.  
6 Q. Okay. So about how long were you there before they  
7 gave you the letter, and by they I mean Stacey and  
8 then at some point Scott showed up?  
9 A. Yes.  
10 Q. About how long were you there before Scott showed up?  
11 A. I don't remember how long I was there before she  
12 called him, but when she called him he was there  
13 within minutes.  
14 Q. Were you sitting there when she called him?  
15 A. Yes.  
16 Q. Okay.  
17 A. She did not call enough numbers to have -- to have  
18 been able to call him at home.  
19 Q. Okay. I don't know what that means.  
20 A. Well, you know, there's a certain amount of numbers  
21 you call if you're going to call an inside line and  
22 you have to dial or push on a push-button phone more  
23 numbers if you're calling someone at home.  
24 Q. So you're saying from the number of numbers dialed you  
25 have to assume he was in the building somewhere?

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1 A. Oh, yes, from the amount of numbers dialed he was in  
2 the building, and also from the amount of time he took  
3 to arrive he was in the building.  
4 Q. Okay. So from when you arrived to when you got this  
5 letter how long do you think you were there?  
6 A. Well, I arrived at the school at 7:15 and I'm --  
7 golly, when did I leave? I'm thinking it might have  
8 been somewhere between 8:45 and 9:00 when I left. She  
9 gave me -- after they finished doing the letter and  
10 proofreading the letter and signing the letter and she  
11 gave me the letter, asked me if I wanted to say  
12 anything else, and I said, yes, I'd like to give the  
13 insurance payment to you and I'd like a receipt, so  
14 that took a little bit of time. So we got that taken  
15 care of, and so I'm thinking it was somewhere between  
16 8:45 and 9:00 when I left. And then she told me I was  
17 no longer welcome in the school, you are not to  
18 return -- not to come into this school ever again.  
19 Q. Did she ask for your keys?  
20 A. No.  
21 Q. Has anyone ever asked you to turn in your keys?  
22 A. Yes.  
23 Q. Okay. Have you turned them in?  
24 A. No. Until recently I thought that they were lost  
25 somewhere in the school. I had no knowledge that I

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1 had them. I had looked -- searched and searched for  
2 them on the day that -- on the last day that I had  
3 worked there and I still thought they were lost  
4 somewhere in the school.  
5 MR. ROACH: I have the key.  
6 BY MR. WARE:  
7 Q. I was going to say did your attorney ever tell you we  
8 wanted the keys?  
9 A. Well, I just recently found them and Jim's got them.  
10 Q. Okay. Now, after that did you at some point call  
11 Bruce Braun?  
12 A. Yes, I did.  
13 Q. And that was after the 22nd?  
14 A. No, it was before.  
15 Q. It was before the 22nd?  
16 A. Stacey, when I was in her -- I don't remember if it  
17 was in an e-mail or when I was in her office, but I  
18 know that Stacey told me that she has consulted Bruce  
19 Braun during this process and Bruce Braun would be  
20 glad for you to call him and consult with him as  
21 well --  
22 Q. Okay. So --  
23 A. -- so I still hadn't made the decision up even part  
24 way through the day on the 21st, and I had -- I was  
25 supposed to let Jim Pranschke know, you know, on the

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1 21st --  
2 Q. Okay. I'm just asking you this.  
3 A. -- so I called --  
4 Q. Cheryl, I'm trying to move along.  
5 A. -- Bruce Braun on the 21st.  
6 Q. On the 21st?  
7 A. Uh-huh.  
8 Q. Of February or January, if you remember?  
9 A. February.  
10 Q. Okay.  
11 A. That was when I had to make the decision.  
12 Q. Did you call him again after what happened at the  
13 school?  
14 A. No.  
15 Q. Okay. Did you get through to him on the 21st of  
16 February?  
17 A. No, I left a voicemail. I called his office, he  
18 wasn't in, they gave me his cell phone number, I  
19 called his cell phone, I left a voicemail. He chose  
20 to never return my call from then until now.  
21 Q. What did you say in the voicemail?  
22 A. I said, Bruce, this is Cheryl Perich from  
23 Hosanna-Tabor. I need to talk to you. Please return  
24 my call.  
25 Q. Okay.

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1 A. Oh, please return my call as soon as possible.  
2 Q. Did you tell him that you were having a problem or you  
3 were trying to return to work?  
4 A. I wanted to talk to him about that when I actually  
5 talked to him.  
6 Q. Did you at any point contact Bruce about instituting a  
7 grievance procedure against the school?  
8 A. That's the only time I called him. I was waiting for  
9 him to call me back. He has never called me back.  
10 Q. When you got the letter from Stacey on the 22nd did  
11 you at any time mention to her that you wanted to  
12 start a grievance procedure against the school?  
13 A. I did not know there was a grievance procedure.  
14 Q. So that's a no, you didn't ask about that?  
15 A. No. I couldn't because I didn't know there was one.  
16 Q. When did you first find out that there was a grievance  
17 procedure?  
18 A. 2008.  
19 Q. So nobody ever informed you prior to that time that  
20 you had the right to request a grievance procedure  
21 through the school and the synod?  
22 A. No.  
23 Q. And that includes your attorney?  
24 MR. ROACH: I'm sorry, what?  
25 BY MR. WARE:

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1 Q. I just asked her did that include her attorney that  
2 nobody told her she had a right to a grievance  
3 procedure?  
4 A. He wouldn't know about the procedures that the  
5 Lutheran Church, Missouri Synod has.  
6 MR. ROACH: If I had said anything it would  
7 be attorney/client privilege anyway.  
8 MR. WARE: You can't blame me.  
9 BY MR. WARE:  
10 Q. Have you been back to the school any time since  
11 February 22nd?  
12 A. I went back when I was told that I could come back to  
13 get my personal belongings from my classroom.  
14 Q. Have you attended the church any time since  
15 February 22nd?  
16 A. Yes. Stacey did tell me that I could attend church  
17 there. I told her that she wasn't being fair to the  
18 children to not allow me to come back into the school  
19 because they had been praying for me to get well, and  
20 now that I'm well they're not -- not only is she not  
21 allowing me to have my job back, she's not even  
22 allowing those kids to see me well after they had been  
23 praying for me while I was sick. So she said, well,  
24 I'm still not going to allow you to come into the  
25 school, but if you want those kids to see you well you

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1 can come to the church.  
2 So I went to -- well, and she also told me  
3 they were going to have a meeting on that following  
4 Sunday, so I went to church there the following Sunday  
5 because I thought there was going to be a meeting.  
6 Come to find out, there was no meeting scheduled, so I  
7 went that following Sunday and I also went on Lutheran  
8 schools week Sunday because she said it would be a  
9 good idea to go when the kids were going to be there  
10 so the kids could see me well.  
11 Q. You mean the Sunday following the 22nd?  
12 A. Uh-huh, because she told me there would be a meeting  
13 about me.  
14 Q. And then you went again --  
15 A. And then there wasn't.  
16 Q. -- on Lutheran schools week?  
17 A. Uh-huh. She suggested I go when the kids were there  
18 because I told her I wanted kids to see me well since  
19 they had been praying for me so long. And she said  
20 you can come there. Not all of the kids in the school  
21 go to our church, so I figured that was the time that  
22 I should go so they could see the person well that  
23 they had been praying for to get well, and that's the  
24 time they'd all be there.  
25 Q. Okay. My final question is on the 22nd, and I believe

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1 this would have been in a phone call that evening, you  
2 spoke with Stacey that evening on the telephone?  
3 A. She called me that afternoon.  
4 Q. That afternoon? Was that the first time you informed  
5 Stacey that if you didn't get your job back you were  
6 going to file a lawsuit?  
7 A. Yes.  
8 Q. Did you inform anybody else of that besides Stacey?  
9 A. No.  
10 Q. Did you specifically ask her to let the board and the  
11 school know as well?  
12 A. I didn't ask for her to do that. She said she was  
13 going to do that.  
14 MR. WARE: Okay. I don't have any further  
15 questions.  
16 MR. ROACH: I have no further questions.  
17 MR. WEAVER: I don't have any.  
18 (The deposition was concluded at 4:21 p.m.  
19 Signature of the witness was not requested by  
20 counsel for the respective parties hereto.)  
21  
22  
23  
24  
25

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CERTIFICATE OF NOTARY

STATE OF MICHIGAN )  
 ) SS  
COUNTY OF OAKLAND )

I, CHERI L. GLEYRE, a Notary Public in  
and for the above county and state, do hereby  
certify that the above deposition was taken before  
me at the time and place hereinbefore set forth;  
that the witness was by me first duly sworn to  
testify to the truth, and nothing but the truth;  
that the foregoing questions asked and answers made  
by the witness were duly recorded by me  
stenographically and reduced to computer  
transcription; that this is a true, full and correct  
transcript of my stenographic notes so taken; and  
that I am not related to, nor of counsel to either  
party nor interested in the event of this cause.

*Cheri L. Gleyre*  
CHERI L. GLEYRE, CSR-6548  
Notary Public,  
Oakland County, Michigan

My Commission expires: May 9, 2013

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